

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 403**

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**Introduced by Assembly Member Mark Stone**

February 19, 2015

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~~An act relating to foster care.~~ *An act to amend Sections 7911, 7911.1, and 7912 of the Family Code, to amend Section 6276.38 of the Government Code, to amend Sections 1502, 1507.25, 1520.1, 1522.2, 1522.4, 1522.41, 1522.43, 1524.6, 1530.7, 1530.8, 1531.1, 1531.15, 1534, 1536, 1538.3, 1538.5, 1538.6, 1538.7, 1548, 1562, 1562.35, 1563, and 1567.4 of, to amend, repeal, and add Sections 1502.4 and 1529.2 of, and to add Sections 1506.1 and 1562.01 to, the Health and Safety Code, to amend Sections 11105.2 and 11105.3 of the Penal Code, and to amend Sections 361.2, 727.1, 4094.2, 11400, 11403.2, 11460, 11461.2, 11465, 11466.21, 11466.22, 11466.25, 11466.3, 11466.31, 11466.32, 11466.33, 11466.34, 11466.35, 11466.36, 11466.5, 11466.6, 11468, 16000, 16501, 16501.1 16519.5, and 18251 of, to amend, repeal, and add Sections 4096, 4096.5, 11402, 11462, 11462.01, 11462.02, 11462.04, 11463, and 18254 of, to add Sections 831, 11466, 16519.52, 16519.53, 16519.54, and 16519.55 to, and to add and repeal Section 11463.1 of, the Welfare and Institutions Code, relating to public social services.*

### LEGISLATIVE COUNSEL'S DIGEST

AB 403, as amended, Mark Stone. ~~Foster care.~~ *Public social services: foster care placement: funding.*

*Existing law, the California Community Care Facilities Act, requires the State Department of Social Services to license and regulate various out-of-home facilities and entities responsible for children and nonminor*

*dependents in foster care, including foster family homes, group homes, and out-of-state group homes, and imposes training requirements on foster parents. A violation of the act is a misdemeanor.*

*Existing law provides for the placement of certain children in foster care under the supervision of the department and county welfare departments. Existing law also establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care.*

*This bill would provide for the reclassification of treatment facilities and the transition from the use of group homes for children in foster care to the use of short-term residential treatment centers, as defined. The bill would impose licensing requirements on those facilities, the violation of which would be a crime pursuant to the act, thereby imposing a state-mandated local program.*

*The bill would revise the foster parent training requirements imposed by the act. The bill would also provide for the development of child and family teams, as defined, to inform the process of placement and services to foster children and to children at risk of foster care placement. The bill would make conforming and related changes, including requiring the department to develop a new payment structure for funding placement options for children in foster care.*

*Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.*

*This bill would make legislative findings to that effect.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

~~Existing law declares the intent of the Legislature to preserve and strengthen a child's family ties whenever possible, removing the child from the custody of his or her parents only when necessary for his or her welfare or for the safety and protection of the public. Existing law includes various provisions relating to appropriate placement and other services for children in foster care.~~

This bill would express the intent of the Legislature to enact legislation that would reform the continuum of care for youth in foster care in the areas of placement setting, accreditation, temporary transition strategies, foster family agency licensure, provision of core services, residential treatment service provisions, residential treatment center employment requirements, rates, program auditing, and performance measures and transparency.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. It is the intent of the Legislature in adopting this*  
2     *act to improve California's child welfare system and its outcomes*  
3     *by using comprehensive initial child assessments, increasing the*  
4     *use of home-based family care and the provision of services and*  
5     *supports to home-based family care, reducing the use of congregate*  
6     *care placement settings, and creating faster paths to permanency*  
7     *resulting in shorter durations of involvement in the child welfare*  
8     *and juvenile justice systems. These changes, along with other*  
9     *provisions in this act, require initial investments in the child*  
10    *welfare system. When implemented, the act will reduce overall*  
11    *costs to local agencies and allow local savings to be reinvested in*  
12    *child welfare. The Legislature therefore intends that funding*  
13    *beginning with the 2015–16 fiscal year for the initial*  
14    *implementation of this act be short term. Because the act will result*  
15    *in overall fiscal savings to local agencies, the act shall not have*  
16    *the overall effect of increasing the costs already borne by a local*  
17    *agency for programs or levels of service mandated by the 2011*  
18    *Public Safety Realignment. The act therefore will not require the*  
19    *state to provide annual funding described in Section 36 of Article*  
20    *XIII of the California Constitution after the state provides*  
21    *short-term funding for local agencies' initial implementation of*  
22    *the act.*

23    *SEC. 2. Section 7911 of the Family Code is amended to read:*  
24    7911. The Legislature finds and declares all of the following:  
25    (a) The health and safety of California children placed by a  
26    county social services agency or probation department out of state  
27    pursuant to the provisions of the Interstate Compact on the  
28    Placement of Children are a matter of statewide concern.

(b) The Legislature therefore affirms its intention that the State Department of Social Services has full authority to require an assessment and placement recommendation by a county multidisciplinary team prior to placement of a child in an out-of-state group home, to investigate allegations of child abuse or neglect of minors so placed, and to ensure that out-of-state group homes, accepting California children, meet all California group home licensing standards. *The Legislature also affirms its intention that, on and after January 1, 2017, the licensing standards applicable to out-of-state group homes shall apply to short-term residential treatment centers operated in this state.*

(c) This section is declaratory of existing law with respect to the Governor's designation of the State Department of Social Services to act as the compact administrator and of that department to act as the single state agency charged with supervision of public social services under Section 10600 of the Welfare and Institutions Code.

SEC. 3. *Section 7911.1 of the Family Code is amended to read:*

7911.1. (a) Notwithstanding any other law, the State Department of Social Services or its designee shall investigate any threat to the health and safety of children placed by a California county social services agency or probation department in an out-of-state group home pursuant to the provisions of the Interstate Compact on the Placement of Children. This authority shall include the authority to interview children or staff in private or review their file at the out-of-state facility or wherever the child or files may be at the time of the investigation. Notwithstanding any other law, the State Department of Social Services or its designee shall require certified out-of-state group homes to comply with the reporting requirements applicable to group homes licensed in California pursuant to Title 22 of the California Code of Regulations for each child in care regardless of whether he or she is a California placement, by submitting a copy of the required reports to the Compact Administrator within regulatory timeframes. The Compact Administrator within one business day of receiving a serious events report shall verbally notify the appropriate placement agencies and within five working days of receiving a written report from the out-of-state group home, forward a copy of the written report to the appropriate placement agencies.

1 (b) Any contract, memorandum of understanding, or agreement  
2 entered into pursuant to paragraph (b) of Article 5 of the Interstate  
3 Compact on the Placement of Children regarding the placement  
4 of a child out of state by a California county social services agency  
5 or probation department shall include the language set forth in  
6 subdivision (a).

7 (c) (1) The State Department of Social Services or its designee  
8 shall perform initial and continuing inspection of out-of-state group  
9 homes in order to either certify that the out-of-state group home  
10 meets all licensure standards required of group homes operated in  
11 California or that the department has granted a waiver to a specific  
12 licensing standard upon a finding that there exists no adverse  
13 impact to health and safety. ~~Any~~

14 (2) *On and after January 1, 2017, the licensure standards*  
15 *applicable to out-of-state group homes described in paragraph*  
16 *(1) shall apply to short-term residential treatment centers operated*  
17 *in this state.*

18 (3) Any failure by an out-of-state group home facility to make  
19 children or staff available as required by subdivision (a) for a  
20 private interview or make files available for review shall be  
21 grounds to deny or discontinue the certification. The State  
22 Department of Social Services shall grant or deny an initial  
23 certification or a waiver under this subdivision to an out-of-state  
24 group home facility that has more than six California children  
25 placed by a county social services agency or probation department  
26 by August 19, 1999. The department shall grant or deny an initial  
27 certification or a waiver under this subdivision to an out-of-state  
28 group home facility that has six or fewer California children placed  
29 by a county social services agency or probation department by  
30 February 19, 2000. Certifications made pursuant to this subdivision  
31 shall be reviewed annually.

32 (d) Within six months of the effective date of this section, a  
33 county shall be required to obtain an assessment and placement  
34 recommendation by a county multidisciplinary team for each child  
35 in an out-of-state group home facility. On or after March 1, 1999,  
36 a county shall be required to obtain an assessment and placement  
37 recommendation by a county multidisciplinary team prior to  
38 placement of a child in an out-of-state group home facility.

39 (e) Any failure by an out-of-state group home to obtain or  
40 maintain its certification as required by subdivision (c) shall

1 preclude the use of any public funds, whether county, state, or  
2 federal, in the payment for the placement of any child in that  
3 out-of-state group home, pursuant to the Interstate Compact on  
4 the Placement of Children.

5 (f) (1) A multidisciplinary team shall consist of participating  
6 members from county social services, county mental health, county  
7 probation, county superintendents of schools, and other members  
8 as determined by the county.

9 (2) Participants shall have knowledge or experience in the  
10 prevention, identification, and treatment of child abuse and neglect  
11 cases, and shall be qualified to recommend a broad range of  
12 services related to child abuse or neglect.

13 (g) (1) The department may deny, suspend, or discontinue the  
14 certification of the out-of-state group home if the department makes  
15 a finding that the group home is not operating in compliance with  
16 the requirements of subdivision (c).

17 (2) Any judicial proceeding to contest the department's  
18 determination as to the status of the out-of-state group home  
19 certificate shall be held in California pursuant to Section 1085 of  
20 the Code of Civil Procedure.

21 (h) The certification requirements of this section shall not impact  
22 placements of emotionally disturbed children made pursuant to an  
23 individualized education program developed pursuant to the federal  
24 Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400  
25 et seq.) if the placement is not funded with federal or state foster  
26 care funds.

27 (i) Only an out-of-state group home authorized by the Compact  
28 Administrator to receive state funds for the placement by a county  
29 social services agency or probation department of any child in that  
30 out-of-state group home from the effective date of this section  
31 shall be eligible for public funds pending the department's  
32 certification under this section.

33 *SEC. 4. Section 7912 of the Family Code is amended to read:*

34 7912. (a) The Legislature finds and declares that the health  
35 and safety of children in out-of-state group home care pursuant to  
36 the Interstate Compact on the Placement of Children is a matter  
37 of statewide concern. The Legislature therefore affirms its intention  
38 that children placed by a county social services agency or probation  
39 department in out-of-state group homes be accorded the same

1 personal rights and safeguards of a child placed in a California  
2 group home. This section is in clarification of existing law.

3 (b) (1) The Compact Administrator may temporarily suspend  
4 any new placements in an out-of-state group home, for a period  
5 not to exceed 100 days, pending the completion of an investigation,  
6 pursuant to subdivision (a) of Section 7911.1, regarding a threat  
7 to the health and safety of children in care. During any suspension  
8 period the department or its designee shall have staff daily onsite  
9 at the out-of-state group home.

10 (2) *On and after January 1, 2017, the licensing standards*  
11 *applicable to out-of-state group homes shall apply to short-term*  
12 *residential treatment centers operated in this state.*

13 SEC. 5. Section 6276.38 of the Government Code is amended  
14 to read:

15 6276.38. Radioactive materials, dissemination of information  
16 about transportation of, Section 33002, Vehicle Code.

17 Railroad infrastructure protection program, disclosure not  
18 required for risk assessments filed with the Public Utilities  
19 Commission, the Director of Emergency Services, or the Office  
20 of Emergency Services, Section 6254.23.

21 Real estate broker, annual report to Bureau of Real Estate of  
22 financial information, confidentiality of, Section 10232.2, Business  
23 and Professions Code.

24 Real property, acquisition by state or local government,  
25 information relating to feasibility, subdivision (h), Section 6254.

26 Real property, change in ownership statement, confidentiality  
27 of, Section 27280.

28 Records described in Section 1620 of the Penal Code.

29 Records of contract purchasers, inspection by public prohibited,  
30 Section 85, Military and Veterans Code.

31 Records of persons committed to a state hospital pursuant to  
32 Section 4135 of the Welfare and Institutions Code.

33 Registered public obligations, inspection of records of security  
34 interests in, Section 5060.

35 Registration of exempt vehicles, nondisclosure of name of person  
36 involved in alleged violation, Section 5003, Vehicle Code.

37 Rehabilitation, Department of, confidential information, Section  
38 19016, Welfare and Institutions Code.

39 Reinsurance intermediary-broker license information,  
40 confidentiality of, Section 1781.3, Insurance Code.

1 Relocation assistance, confidential records submitted to a public  
2 entity by a business or farm operation, Section 7262.

3 Rent control ordinance, confidentiality of information concerning  
4 accommodations sought to be withdrawn from, Section 7060.4.

5 Report of probation officer, inspection, copies, Section 1203.05,  
6 Penal Code.

7 Repossession agency licensee application, confidentiality of  
8 information, Sections 7503, 7504, and 7506.5, Business and  
9 Professions Code.

10 Reproductive health facilities, disclosure not required for  
11 personal information regarding employees, volunteers, board  
12 members, owners, partners, officers, and contractors of a  
13 reproductive health services facility who have provided requisite  
14 notification, Section 6254.18.

15 Residence address in any record of Department of Housing and  
16 Community Development, confidentiality of, Section 6254.1.

17 Residence address in any record of Department of Motor  
18 Vehicles, confidentiality of, Section 6254.1, Government Code,  
19 and Section 1808.21, Vehicle Code.

20 Residence and mailing addresses in records of Department of  
21 Motor Vehicles, confidentiality of, Section 1810.7, Vehicle Code.

22 Residential care facilities, confidentiality of resident information,  
23 Section 1568.08, Health and Safety Code.

24 Residential care facilities for the elderly, confidentiality of client  
25 information, Section 1569.315, Health and Safety Code.

26 *Resource families, identifying information, Section 16519.55,*  
27 *Welfare and Institutions Code.*

28 Respiratory care practitioner, professional competency  
29 examination reports, confidentiality of, Section 3756, Business  
30 and Professions Code.

31 Restraint of trade, civil action by district attorney, confidential  
32 memorandum, Section 16750, Business and Professions Code.

33 Reward by Governor for information leading to arrest and  
34 conviction, confidentiality of person supplying information, Section  
35 1547, Penal Code.

36 Safe surrender site, confidentiality of information pertaining to  
37 a parent or individual surrendering a child, Section 1255.7, Health  
38 and Safety Code.

39 *SEC. 6. Section 1502 of the Health and Safety Code is amended*  
40 *to read:*



1502. As used in this chapter:

(a) “Community care facility” means any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children, and includes the following:

(1) “Residential facility” means any family home, group care facility, or similar facility determined by the director, for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

(2) “Adult day program” means any community-based facility or program that provides care to persons 18 years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of these individuals on less than a 24-hour basis.

(3) “Therapeutic day services facility” means any facility that provides nonmedical care, counseling, educational or vocational support, or social rehabilitation services on less than a 24-hour basis to persons under 18 years of age who would otherwise be placed in foster care or who are returning to families from foster care. Program standards for these facilities shall be developed by the department, pursuant to Section 1530, in consultation with therapeutic day services and foster care providers.

(4) “Foster family agency” means any *public agency or private* organization engaged in the recruiting, certifying, and training of, and providing professional support to, foster parents, or in finding homes or other places for placement of children for temporary or permanent care who require that level of care as an alternative to a group home *or short-term residential treatment center*. Private foster family agencies shall be organized and operated on a nonprofit basis.

(5) “Foster family home” means any residential facility providing 24-hour care for six or fewer foster children that is owned, leased, or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed. The placement may be by a public or private child placement agency or by a court order, or by voluntary

1 placement by a parent, parents, or guardian. It also means a foster  
2 family home described in Section 1505.2.

3 (6) “Small family home” means any residential facility, in the  
4 licensee’s family residence, that provides 24-hour care for six or  
5 fewer foster children who have mental disorders or developmental  
6 or physical disabilities and who require special care and supervision  
7 as a result of their disabilities. A small family home may accept  
8 children with special health care needs, pursuant to subdivision  
9 (a) of Section 17710 of the Welfare and Institutions Code. In  
10 addition to placing children with special health care needs, the  
11 department may approve placement of children without special  
12 health care needs, up to the licensed capacity.

13 (7) “Social rehabilitation facility” means any residential facility  
14 that provides social rehabilitation services for no longer than 18  
15 months in a group setting to adults recovering from mental illness  
16 who temporarily need assistance, guidance, or counseling. Program  
17 components shall be subject to program standards pursuant to  
18 Article 1 (commencing with Section 5670) of Chapter 2.5 of Part  
19 2 of Division 5 of the Welfare and Institutions Code.

20 (8) “Community treatment facility” means any residential  
21 facility that provides mental health treatment services to children  
22 in a group setting and that has the capacity to provide secure  
23 containment. Program components shall be subject to program  
24 standards developed and enforced by the State Department of  
25 Health Care Services pursuant to Section 4094 of the Welfare and  
26 Institutions Code.

27 Nothing in this section shall be construed to prohibit or  
28 discourage placement of persons who have mental or physical  
29 disabilities into any category of community care facility that meets  
30 the needs of the individual placed, if the placement is consistent  
31 with the licensing regulations of the department.

32 (9) “Full-service adoption agency” means any licensed entity  
33 engaged in the business of providing adoption services, that does  
34 all of the following:

35 (A) Assumes care, custody, and control of a child through  
36 relinquishment of the child to the agency or involuntary termination  
37 of parental rights to the child.

38 (B) Assesses the birth parents, prospective adoptive parents, or  
39 child.

40 (C) Places children for adoption.

1 (D) Supervises adoptive placements.

2 Private full-service adoption agencies shall be organized and  
3 operated on a nonprofit basis. As a condition of licensure to provide  
4 intercountry adoption services, a full-service adoption agency shall  
5 be accredited and in good standing according to Part 96 of Title  
6 22 of the Code of Federal Regulations, or supervised by an  
7 accredited primary provider, or acting as an exempted provider,  
8 in compliance with Subpart F (commencing with Section 96.29)  
9 of Part 96 of Title 22 of the Code of Federal Regulations.

10 (10) "Noncustodial adoption agency" means any licensed entity  
11 engaged in the business of providing adoption services, that does  
12 all of the following:

13 (A) Assesses the prospective adoptive parents.

14 (B) Cooperatively matches children freed for adoption, who are  
15 under the care, custody, and control of a licensed adoption agency,  
16 for adoption, with assessed and approved adoptive applicants.

17 (C) Cooperatively supervises adoptive placements with a  
18 full-service adoptive agency, but does not disrupt a placement or  
19 remove a child from a placement.

20 Private noncustodial adoption agencies shall be organized and  
21 operated on a nonprofit basis. As a condition of licensure to provide  
22 intercountry adoption services, a noncustodial adoption agency  
23 shall be accredited and in good standing according to Part 96 of  
24 Title 22 of the Code of Federal Regulations, or supervised by an  
25 accredited primary provider, or acting as an exempted provider,  
26 in compliance with Subpart F (commencing with Section 96.29)  
27 of Part 96 of Title 22 of the Code of Federal Regulations.

28 (11) "Transitional shelter care facility" means any group care  
29 facility that provides for 24-hour nonmedical care of persons in  
30 need of personal services, supervision, or assistance essential for  
31 sustaining the activities of daily living or for the protection of the  
32 individual. Program components shall be subject to program  
33 standards developed by the State Department of Social Services  
34 pursuant to Section 1502.3.

35 (12) "Transitional housing placement provider" means an  
36 organization licensed by the department pursuant to Section  
37 1559.110 and Section 16522.1 of the Welfare and Institutions Code  
38 to provide transitional housing to foster children at least 16 years  
39 of age and not more than 18 years of age, and nonminor  
40 dependents, as defined in subdivision (v) of Section 11400 of the

1 Welfare and Institutions Code, to promote their transition to  
2 adulthood. A transitional housing placement provider shall be  
3 privately operated and organized on a nonprofit basis.

4 (13) “Group home” means a residential facility that provides  
5 24-hour care and supervision to children, delivered at least in part  
6 by staff employed by the licensee in a structured environment. The  
7 care and supervision provided by a group home shall be  
8 nonmedical, except as otherwise permitted by law.

9 (14) “Runaway and homeless youth shelter” means a group  
10 home licensed by the department to operate a program pursuant  
11 to Section 1502.35 to provide voluntary, short-term, shelter and  
12 personal services to runaway youth or homeless youth, as defined  
13 in paragraph (2) of subdivision (a) of Section 1502.35.

14 (15) “Enhanced behavioral supports home” means a facility  
15 certified by the State Department of Developmental Services  
16 pursuant to Article 3.6 (commencing with Section 4684.80) of  
17 Chapter 6 of Division 4.5 of the Welfare and Institutions Code,  
18 and licensed by the State Department of Social Services as an adult  
19 residential facility or a group home that provides 24-hour  
20 nonmedical care to individuals with developmental disabilities  
21 who require enhanced behavioral supports, staffing, and  
22 supervision in a homelike setting. An enhanced behavioral supports  
23 home shall have a maximum capacity of four consumers, shall  
24 conform to Section 441.530(a)(1) of Title 42 of the Code of Federal  
25 Regulations, and shall be eligible for federal Medicaid home- and  
26 community-based services funding.

27 (16) “Community crisis home” means a facility certified by the  
28 State Department of Developmental Services pursuant to Article  
29 8 (commencing with Section 4698) of Chapter 6 of Division 4.5  
30 of the Welfare and Institutions Code, and licensed by the State  
31 Department of Social Services pursuant to Article 9.7 (commencing  
32 with Section 1567.80), as an adult residential facility, providing  
33 24-hour nonmedical care to individuals with developmental  
34 disabilities receiving regional center service, in need of crisis  
35 intervention services, and who would otherwise be at risk of  
36 admission to the acute crisis center at Fairview Developmental  
37 Center, Sonoma Developmental Center, an acute general hospital,  
38 acute psychiatric hospital, an institution for mental disease, as  
39 described in Part 5 (commencing with Section 5900) of Division  
40 5 of the Welfare and Institutions Code, or an out-of-state

1 placement. A community crisis home shall have a maximum  
2 capacity of eight consumers, as defined in subdivision (a) of  
3 Section 1567.80, shall conform to Section 441.530(a)(1) of Title  
4 42 of the Code of Federal Regulations, and shall be eligible for  
5 federal Medicaid home- and community-based services funding.

6 (17) “Crisis nursery” means a facility licensed by the department  
7 to operate a program pursuant to Section 1516 to provide short-term  
8 care and supervision for children under six years of age who are  
9 voluntarily placed for temporary care by a parent or legal guardian  
10 due to a family crisis or stressful situation.

11 (18) *“Short-term residential treatment center” means a*  
12 *residential facility that provides short-term, specialized, and*  
13 *intensive treatment, including core services as set forth, on and*  
14 *after January 1, 2017, in paragraph (1) of subdivision (b) of*  
15 *Section 11462 of the Welfare and Institutions Code, and 24-hour*  
16 *care and supervision to children, delivered at least in part by staff*  
17 *employed by the licensee in a structured environment pursuant to*  
18 *Section 1562.01 of the Health and Safety Code. The care and*  
19 *supervision provided by a short-term residential treatment center*  
20 *shall be nonmedical, except as otherwise permitted by law.*

21 (b) “Department” or “state department” means the State  
22 Department of Social Services.

23 (c) “Director” means the Director of Social Services.

24 SEC. 7. *Section 1502.4 of the Health and Safety Code is*  
25 *amended to read:*

26 1502.4. (a) (1) A community care facility licensed as a group  
27 home for children pursuant to this chapter may accept for  
28 placement, and provide care and supervision to, a child assessed  
29 as seriously emotionally disturbed as long as the child does not  
30 need inpatient care in a licensed health facility.

31 (2) For the purpose of this chapter, the following definitions  
32 shall apply:

33 (A) “Inpatient care in a licensed health facility” means care and  
34 supervision at a level greater than incidental medical services as  
35 specified in Section 1507.

36 (B) “Seriously emotionally disturbed” means the same as  
37 paragraph (2) of subdivision (a) of Section 5600.3 of the Welfare  
38 and Institutions Code.

39 (b) If a child described in subdivision (a) is placed into a group  
40 home program classified at rate classification level 13 or rate

1 classification level 14 pursuant to Section 11462.01 of the Welfare  
2 and Institutions Code, the licensee shall meet both of the following  
3 requirements:

4 (1) The licensee shall agree to accept, for placement into its  
5 group home program, only children who have been assessed as  
6 seriously emotionally disturbed by either of the following:

7 (A) An interagency placement committee, as described in  
8 Section 4096 of the Welfare and Institutions Code or by a licensed  
9 mental health professional, as defined in Sections 629 to 633,  
10 inclusive, of Title 9 of the California Code of Regulations.

11 (B) A licensed mental health professional pursuant to paragraph  
12 (3) of subdivision (i), or subdivision (j), of Section 11462.01 of  
13 the Welfare and Institutions Code if the child is privately placed  
14 or only county funded.

15 (2) The program is certified by the State Department of Health  
16 Care Services, pursuant to Section 4096.5 of the Welfare and  
17 Institutions Code, as a program that provides mental health  
18 treatment services for seriously emotionally disturbed children.

19 (c) The department shall not evaluate, or have any responsibility  
20 or liability with regard to the evaluation of, the mental health  
21 treatment services provided pursuant to this section and paragraph  
22 (3) of subdivision (f) of Section 11462.01 of the Welfare and  
23 Institutions Code.

24 (d) (1) *This section shall become inoperative on January 1,*  
25 *2017, except that this section shall continue to apply, until January*  
26 *1, 2018, to a group home that has been granted an extension*  
27 *pursuant to the exception process described in subdivision (d) of*  
28 *Section 11462.04 of the Welfare and Institutions Code.*

29 (2) *This section is repealed as of January 1, 2018, unless a later*  
30 *enacted statute, that is enacted before January 1, 2018, deletes or*  
31 *extends that date.*

32 SEC. 8. *Section 1502.4 is added to the Health and Safety Code,*  
33 *to read:*

34 1502.4. (a) (1) *A community care facility licensed as a*  
35 *short-term residential treatment center or a foster family agency*  
36 *that provides treatment services for children pursuant to this*  
37 *chapter may accept for placement, and provide care and*  
38 *supervision to, a child assessed as seriously emotionally disturbed*  
39 *as long as the child does not need inpatient care in a licensed*  
40 *health facility.*

1     (2) *For the purposes of this chapter, the following definitions*  
2 *shall apply:*

3     (A) *“Inpatient care in a licensed health facility” means care*  
4 *and supervision at a level greater than incidental medical services*  
5 *as specified in Section 1507.*

6     (B) *“Seriously emotionally disturbed” means the same as*  
7 *paragraph (2) of subdivision (a) of Section 5600.3 of the Welfare*  
8 *and Institutions Code.*

9     (b) *If a child described in subdivision (a) is placed into a*  
10 *short-term residential treatment center or a foster family agency*  
11 *that provides treatment services pursuant to Section 11462.01 of*  
12 *the Welfare and Institutions Code, the licensee shall meet both of*  
13 *the following requirements:*

14     (1) *The licensee shall agree to accept, for placement into a*  
15 *short-term residential treatment center or a foster family agency*  
16 *that provides treatment services, only children who have been*  
17 *assessed as seriously emotionally disturbed by either of the*  
18 *following:*

19     (A) *An interagency placement committee or child and family*  
20 *team, as described in Section 4096 of the Welfare and Institutions*  
21 *Code, or by a licensed mental health professional.*

22     (B) *A licensed mental health professional pursuant to paragraph*  
23 *(3) of subdivision (i), or subdivision (j), of Section 11462.01 of the*  
24 *Welfare and Institutions Code if the child is privately placed or*  
25 *only county funded.*

26     (2) *The program is certified by the State Department of Health*  
27 *Care Services, or a county to which the department has delegated*  
28 *certification authority pursuant to Section 4096.5 of the Welfare*  
29 *and Institutions Code, as a program that provides mental health*  
30 *treatment services for seriously emotionally disturbed children.*

31     (c) *The department shall not evaluate, nor have any*  
32 *responsibility nor liability with regard to the evaluation of, the*  
33 *mental health treatment services provided pursuant to this section*  
34 *and paragraph (3) of subdivision (f) of Section 11462.01 of the*  
35 *Welfare and Institutions Code.*

36     (d) (1) *This section shall become operative on January 1, 2017.*

37     (2) *This section shall not apply, until January 1, 2018, to a*  
38 *group home that has been granted an extension pursuant to the*  
39 *exception process described in subdivision (d) of Section 11462.04*  
40 *of the Welfare and Institutions Code.*

1     *SEC. 9. Section 1506.1 is added to the Health and Safety Code,*  
2     *to read:*

3     *1506.1. (a) A foster family agency shall prepare and maintain*  
4     *a current, written plan of operation as required by the department.*

5     *(b) On and after July 1, 2017, a foster family agency's plan of*  
6     *operation shall demonstrate the foster family agency's ability to*  
7     *support the differing needs of children and their families.*

8     *(1) In addition to the rules and regulations adopted pursuant*  
9     *to this chapter, a foster family agency's plan of operation shall*  
10    *contain a description of the core services and supports, as set forth*  
11    *in paragraph (5) of subdivision (b) of Section 11463 the Welfare*  
12    *and Institutions Code and as prescribed by the department, to be*  
13    *offered to children and their families, as appropriate or as*  
14    *necessary.*

15    *(2) The plan of operation shall describe how the foster family*  
16    *agency will comply with the resource family approval standards*  
17    *and requirements, as set forth in Section 16519.5 of the Welfare*  
18    *and Institutions Code.*

19    *(3) In addition to the rules and regulations adopted pursuant*  
20    *to this chapter, a county licensed to operate a foster family agency*  
21    *shall describe, in the plan of operation, its conflict of interest*  
22    *mitigation plan, as set forth in subdivision (g) of Section 11462.02*  
23    *of the Welfare and Institutions Code.*

24    *(c) The department shall have the authority to inspect a foster*  
25    *family agency pursuant to subdivision (c) of Section 11463 of the*  
26    *Welfare and Institutions Code.*

27    *SEC. 10. Section 1507.25 of the Health and Safety Code is*  
28    *amended to read:*

29    *1507.25. (a) (1) Notwithstanding any other ~~provision of~~ law,*  
30    *a person described in paragraph (2), who is not a licensed health*  
31    *care professional, but who is trained to administer injections by a*  
32    *licensed health care professional practicing within his or her scope*  
33    *of practice, may administer emergency medical assistance and*  
34    *injections for severe diabetic hypoglycemia and anaphylactic shock*  
35    *to a foster child in placement.*

36    *(2) The following individuals shall be authorized to administer*  
37    *emergency medical assistance and injections in accordance with*  
38    *this subdivision:*

39    *(A) A relative caregiver.*

40    *(B) A nonrelative extended family member.*



1 ~~(C) A foster family home parent.~~

2 (C) A member of a resource family, as defined in subdivision  
3 (c) of Section 16519.5 of the Welfare and Institutions Code.

4 (D) A small family home parent.

5 (E) A certified parent of a foster family agency.

6 (F) A substitute caregiver of a foster family home or a certified  
7 family home.

8 (G) A direct care staff member of a small family home or a  
9 group home.

10 (H) On and after January 1, 2017, a direct care staff member  
11 of a short-term residential treatment center.

12 (3) The licensed health care professional shall periodically  
13 review, correct, or update training provided pursuant to this section  
14 as he or she deems necessary and appropriate.

15 (b) (1) Notwithstanding any other ~~provision~~ of law, a person  
16 described in paragraph (2), who is not a licensed health care  
17 professional, but who is trained to administer injections by a  
18 licensed health care professional practicing within his or her scope  
19 of practice, may administer subcutaneous injections of other  
20 medications, including insulin, as prescribed by the child's  
21 physician, to a foster child in placement.

22 (2) The following individuals shall be authorized to give  
23 prescribed injections including insulin in accordance with this  
24 subdivision:

25 (A) A relative caregiver.

26 (B) A nonrelative extended family member.

27 (C) A member of a resource family, as defined in subdivision  
28 (c) of Section 16519.5 of the Welfare and Institutions Code.

29 ~~(C)~~

30 (D) A foster family home parent.

31 ~~(D)~~

32 (E) A small family home parent.

33 ~~(E)~~

34 (F) A certified parent of a foster family agency.

35 ~~(F)~~

36 (G) In the absence of a foster parent, a designated substitute  
37 caregiver in a foster family home or a certified family home.

38 (3) The licensed health care professional shall periodically  
39 review, correct, or update training provided pursuant to this section  
40 as he or she deems necessary and appropriate.

1 (c) For purposes of this section, administration of an insulin  
2 injection shall include all necessary supportive activities related  
3 to the preparation and administration of injection, including glucose  
4 testing and monitoring.

5 (d) Notwithstanding Part 5.5 (commencing with Section 17700)  
6 of Division 9 of, and particularly subdivision (g) of Section 17710  
7 of, the Welfare and Institutions Code, a child's need to receive  
8 injections pursuant to this section shall not be the sole basis for  
9 determining that the child has a medical condition requiring  
10 specialized in-home health care.

11 (e) This section does not supersede the requirements of Section  
12 369.5 of the Welfare and Institutions Code, with respect to the  
13 administration of psychotropic medication to a dependent child of  
14 the court.

15 *SEC. 11. Section 1520.1 of the Health and Safety Code is*  
16 *amended to read:*

17 1520.1. In addition to Section 1520, applicants for a group  
18 home ~~facility~~ *or short-term residential treatment center* license  
19 shall meet the following requirements:

20 (a) (1) During the first 12 months of operation, the facility shall  
21 operate with a provisional license. After eight months of operation,  
22 the department shall conduct a comprehensive review of the facility  
23 for compliance with all applicable laws and regulations and help  
24 develop a plan of correction with the provisional licensee, if  
25 appropriate. By the end of the 12th month of operation, the  
26 department shall determine if the permanent license should be  
27 issued.

28 (2) If the department determines that the group home *or*  
29 *short-term residential treatment center* is in substantial compliance  
30 with licensing standards, notwithstanding Section 1525.5, the  
31 department may extend the provisional license for up to an  
32 additional six months for either of the following reasons:

33 (A) The group home *or short-term residential treatment center*  
34 requires additional time to be in full compliance with licensing  
35 standards.

36 (B) After 12 months of operation, the group home *or short-term*  
37 *residential treatment center* is not operating at 50 percent of its  
38 licensed capacity.

39 (3) By no later than the first business day of the 17th month of  
40 operation, the department shall conduct an additional review of a

1 facility for which a provisional license is extended pursuant to  
2 paragraph (2), in order to determine whether a permanent license  
3 should be issued.

4 (4) The department may deny a group home *or short-term*  
5 *residential treatment center* license application at any time during  
6 the term of the provisional license to protect the health and safety  
7 of clients. If the department denies the application, the group home  
8 *or short-term residential treatment center* shall cease operation  
9 immediately. Continued operation of the facility after the  
10 department denies the application or the provisional license expires  
11 shall constitute unlicensed operation.

12 (5) When the department notifies a city or county planning  
13 authority pursuant to subdivision (c) of Section 1520.5, the  
14 department shall briefly describe the provisional licensing process  
15 and the timelines provided for under that process, as well as provide  
16 the name, address, and telephone number of the district office  
17 licensing the facility where a complaint or comment about the  
18 group home's *or short-term residential treatment center's* operation  
19 may be filed.

20 (b) (1) After the production of the booklet provided for in  
21 paragraph (2), every member of the group home's board of  
22 directors *and every member of a short-term residential treatment*  
23 *center's board of directors* shall, prior to becoming a member of  
24 the board of directors sign a statement that the board member  
25 understands his or her legal duties and obligations as a member of  
26 the board of directors and that the group home's *or short-term*  
27 *residential treatment center's* operation is governed by laws and  
28 regulations that are enforced by the department, as set forth in the  
29 booklet. The applicant, provisional licensee, and licensee shall  
30 have this statement available for inspection by the department. For  
31 members of the board of directors when the booklet is produced,  
32 the licensee shall obtain this statement by the next scheduled  
33 meeting of the board of directors. Compliance with this paragraph  
34 shall be a condition of licensure.

35 (2) ~~No later than May 1, 1999, the department, in cooperation~~  
36 ~~with the Department of Justice and in consultation with group~~  
37 ~~home providers, shall develop and~~ *The department shall distribute*  
38 *to every group home provider and short-term residential treatment*  
39 *center provider, respectively, detailed information designed to*  
40 *educate members of the group home provider's or short-term*

1 *residential treatment center provider's* board of directors of their  
2 roles and responsibilities as board members of a public benefit  
3 corporation under the laws of this state. The information shall be  
4 included in a booklet, ~~which may be revised as deemed necessary~~  
5 *by the department*, and shall include, but not be limited to, all of  
6 the following:

7 (A) The financial responsibilities of a member of the board of  
8 directors.

9 (B) Disclosure requirements for self-dealing transactions.

10 (C) Legal requirements pertaining to articles of incorporation,  
11 bylaws, length of board member terms, voting procedures, board  
12 meetings, quorums, minutes of board meetings, and, as provided  
13 for in subdivision (f), board member duties.

14 (D) A general overview of the laws and regulations governing  
15 the group home's *or short-term residential treatment center's*  
16 operation that are enforced by the department.

17 (c) All financial records submitted by a facility to the  
18 department, or that are submitted as part of an audit of the facility,  
19 including, but not limited to, employee timecards and timesheets,  
20 shall be signed and dated by the employee and by the group home  
21 representative *or short-term residential treatment center*  
22 *representative* who is responsible for ensuring the accuracy of the  
23 information contained in the record, and shall contain an  
24 affirmative statement that the signatories understand that the  
25 information contained in the document is correct to the best of  
26 their knowledge and that submission of false or misleading  
27 information may be prosecuted as a crime.

28 (d) An applicant, provisional licensee, or licensee shall maintain,  
29 submit, and sign financial documents to verify the legitimacy and  
30 accuracy of these documents. These documents include, but are  
31 not limited to, the group home *or short-term residential treatment*  
32 *center* application, any financial documents and plans of  
33 corrections submitted to the department, and time sheets.

34 (e) (1) It is the intent of the Legislature that a group home *or*  
35 *short-term residential treatment center* have either representatives  
36 on its board of directors, as listed in paragraph (2), or a community  
37 advisory board, that meets at least annually.

38 (2) The representatives on the board of directors or the  
39 community advisory board members should consist of at least the  
40 following persons:

- 1 (A) A member of the facility's board of directors.  
2 (B) Members of the community where the facility is located.  
3 (C) Neighbors of the facility.  
4 (D) Current or former clients of the facility.  
5 (E) A representative from a local law enforcement or other city  
6 or county representative.

7 (f) Each group home *or short-term residential treatment center*  
8 provider shall schedule and conduct quarterly meetings of its board  
9 of directors. During these quarterly meetings, the board of directors  
10 shall review and discuss licensing reports, financial and program  
11 audit reports of its group home *or short-term residential treatment*  
12 *center* operations, special incident reports, and any administrative  
13 action against the licensee or its employees. The minutes shall  
14 reflect the board's discussion of these documents and the group  
15 home's *or short-term residential treatment center's* operation. The  
16 licensee shall make available the minutes of group-home home's  
17 *or short-term residential treatment center's* board of directors  
18 meetings to the department.

19 *SEC. 12. Section 1522.2 of the Health and Safety Code is*  
20 *amended to read:*

21 1522.2. If a local law enforcement agency, a probation officer,  
22 or a local department or agency that provides social services  
23 becomes aware that an employee of a community treatment facility,  
24 a day treatment facility, a group home, *a short-term residential*  
25 *treatment center*, or a foster family agency has been arrested for  
26 child abuse, as defined in Section 11165.6 of the Penal Code, after  
27 determining that the potential for abuse is present and that the  
28 employee is free to return to the facility where children are present,  
29 the local law enforcement agency, probation officer, or local  
30 department or agency shall notify the licensee of the charge of  
31 abuse.

32 *SEC. 13. Section 1522.4 of the Health and Safety Code is*  
33 *amended to read:*

34 1522.4. (a) In addition to any other requirements of this chapter  
35 and except for foster family homes, small family homes, and  
36 certified family homes of foster family agencies, all of the  
37 following apply to any community care facility providing 24-hour  
38 care for children:

39 (1) The facility shall have one or more facility managers.  
40 "Facility manager," as used in this section, means a person on the

1 premises with the authority and responsibility necessary to manage  
2 and control the day-to-day operation of a community care facility  
3 and supervise the clients. The facility manager, licensee, and  
4 administrator, or any combination thereof, may be the same person  
5 provided he or she meets all applicable requirements. If the  
6 administrator is also the facility manager for the same facility, this  
7 person shall be limited to the administration and management of  
8 only one facility.

9 (2) The facility manager shall have at least one year of  
10 experience working with the client group served, or equivalent  
11 education or experience, as determined by the department.

12 (3) A facility manager shall be at the facility at all times when  
13 one or more clients are present. To ensure adequate supervision  
14 of clients when clients are at the facility outside of their normal  
15 schedule, a current telephone number where the facility manager  
16 can be reached shall be provided to the clients, licensing agency,  
17 school, and any other agency or person as the department  
18 determines is necessary. The facility manager shall instruct these  
19 agencies and individuals to notify him or her when clients will be  
20 returning to the facility outside of the normal hours.

21 (4) The Legislature intends to upgrade the quality of care in  
22 licensed facilities. For the purposes of Sections 1533 and 1534,  
23 the licensed facility shall be inspected and evaluated for quality  
24 of care at least once each year, without advance notice and as often  
25 as necessary, without advance notice, to ensure the quality of care  
26 being provided.

27 Paragraphs (1), (2), and (3) shall apply only to new facilities  
28 licensed for six or fewer children which apply for a license after  
29 January 1, 1985, and all other new facilities licensed for seven or  
30 more children which apply for a license after January 1, 1988.  
31 Existing facilities licensed for seven or more children shall comply  
32 by January 1, 1989.

33 (b) No employee of the state or county employed in the  
34 administration of this chapter or employed in a position that is in  
35 any way concerned with facilities licensed under this chapter shall  
36 hold a license or have a direct or indirect financial interest in a  
37 facility described in subdivision (a).

38 The department, by regulation, shall make the determination  
39 pursuant to the purposes of this section and chapter, as to what  
40 employment is in the administration of this chapter or in any way

1 concerned with facilities licensed under this chapter and what  
2 financial interest is direct or indirect.

3 This subdivision does not prohibit the state or county from  
4 securing a license for, or operating, a facility that is otherwise  
5 required to be licensed under this chapter.

6 (c) (1) No group home, *short-term residential treatment center*,  
7 or foster family agency licensee, or employee, member of the board  
8 of directors, or officer of a group home, *short-term residential*  
9 *treatment center*, or foster family agency licensee, shall offer gifts  
10 or other remuneration of any type to any employee of the State  
11 Department of Social Services or placement agency that exceeds  
12 the monetary limits for gifts to employees of the State of California  
13 pursuant to Title 9 (commencing with Section 81000) of the  
14 Government Code and regulations adopted thereunder by the Fair  
15 Political Practices Commission.

16 (2) No employee of the department or a placement agency shall  
17 accept any gift or other remuneration of any type from a group  
18 home, *short-term residential treatment center*, or foster family  
19 agency licensee or employee, member of the board of directors,  
20 or officer of a group home, *short-term residential treatment center*,  
21 or foster family agency licensee that exceeds the monetary limits  
22 for gifts to employees of the State of California in Title 9  
23 (commencing with Section 81000) of the Government Code and  
24 regulations adopted thereunder by the Fair Political Practices  
25 Commission.

26 (3) Violation of this subdivision is punishable as a misdemeanor.

27 *SEC. 14. Section 1522.41 of the Health and Safety Code is*  
28 *amended to read:*

29 1522.41. (a) (1) ~~The director, department,~~ in consultation  
30 and collaboration with county placement officials, group home  
31 provider organizations, the Director of Health Care Services, and  
32 the Director of Developmental Services, shall develop and establish  
33 ~~a~~ *an administrator certification training* program to ensure that  
34 administrators of group home facilities have appropriate training  
35 to provide the care and services for which a license or certificate  
36 is issued.

37 (2) *The department shall develop and establish an administrator*  
38 *certification training program to ensure that administrators of*  
39 *short-term residential treatment center facilities have appropriate*

1 *training to provide the care and services for which a license or*  
2 *certificate is issued.*

3 (b) (1) In addition to any other requirements or qualifications  
4 required by the department, an administrator of a group home  
5 ~~facility or short-term residential treatment center~~ shall successfully  
6 complete a department-approved *training* certification program,  
7 pursuant to subdivision (c), prior to employment. An administrator  
8 employed in a group home ~~on the effective date of this section or~~  
9 ~~short-term residential treatment center~~ shall meet the requirements  
10 of paragraph (2) of subdivision (c).

11 (2) In those cases where the individual is both the licensee and  
12 the administrator of a facility, the individual shall comply with all  
13 of the licensee and administrator requirements of this section.

14 (3) Failure to comply with this section shall constitute cause for  
15 revocation of the license of the facility.

16 (4) The licensee shall notify the department within 10 days of  
17 any change in administrators.

18 (c) (1) The administrator certification programs shall require  
19 a minimum of 40 hours of classroom instruction that provides  
20 training on a uniform core of knowledge in each of the following  
21 areas:

22 (A) Laws, regulations, and policies and procedural standards  
23 that impact the operations of the type of facility for which the  
24 applicant will be an administrator.

25 (B) Business operations.

26 (C) Management and supervision of staff.

27 (D) Psychosocial and educational needs of the facility residents.

28 (E) Community and support services.

29 (F) Physical needs for facility residents.

30 (G) Administration, storage, misuse, and interaction of  
31 medication used by facility residents.

32 (H) Resident admission, retention, and assessment procedures,  
33 including the right of a foster child to have fair and equal access  
34 to all available services, placement, care, treatment, and benefits,  
35 and to not be subjected to discrimination or harassment on the  
36 basis of actual or perceived race, ethnic group identification,  
37 ancestry, national origin, color, religion, sex, sexual orientation,  
38 gender identity, mental or physical disability, or HIV status.



1 (I) Instruction on cultural competency and sensitivity relating  
2 to, and best practices for, providing adequate care to lesbian, gay,  
3 bisexual, and transgender youth in out-of-home care.

4 (J) Nonviolent emergency intervention and reporting  
5 requirements.

6 (K) Basic instruction on the existing laws and procedures  
7 regarding the safety of foster youth at school and the ensuring of  
8 a harassment- and violence-free school environment contained in  
9 the School Safety and Violence Prevention Act (Article 3.6  
10 commencing with Section 32228) of Chapter 2 of Part 19 of  
11 Division 1 of Title 1 of the Education Code).

12 (2) The department shall adopt separate program requirements  
13 for initial certification for persons who are employed as group  
14 home administrators on the effective date of this section. A person  
15 employed as an administrator of a group home facility on the  
16 effective date of this section shall obtain a certificate by completing  
17 the training and testing requirements imposed by the department  
18 within 12 months of the effective date of the regulations  
19 implementing this section. After the effective date of this section,  
20 these administrators shall meet the requirements imposed by the  
21 department on all other group home administrators for certificate  
22 renewal.

23 *(3) The department shall adopt a separate administrator*  
24 *certification training program for group home administrators who*  
25 *desire to become short-term residential treatment center*  
26 *administrators.*

27 ~~(3)~~

28 (4) Individuals applying for *administrator* certification under  
29 this section shall successfully complete an approved *administrator*  
30 certification *training* program, pass a written test administered by  
31 the department within 60 days of completing the program, and  
32 submit to the department the documentation required by  
33 subdivision (d) within 30 days after being notified of having passed  
34 the test. The department may extend these time deadlines for good  
35 cause. The department shall notify the applicant of his or her test  
36 results within 30 days of administering the test.

37 (d) The department shall not begin the process of issuing a  
38 certificate until receipt of all of the following:

39 (1) A certificate of completion of the administrator training  
40 required pursuant to this chapter.

(2) The fee required for issuance of the certificate. A fee of one hundred dollars (\$100) shall be charged by the department to cover the costs of processing the application for certification.

(3) Documentation from the applicant that he or she has passed the written test.

(4) Submission of fingerprints pursuant to Section 1522. The department may waive the submission for those persons who have a current clearance on file.

(5) That person is at least 21 years of age.

(e) It shall be unlawful for any person not certified under this section to hold himself or herself out as a certified administrator of a group home ~~facility~~ *or short-term residential treatment center*. Any person willfully making any false representation as being a certified administrator or facility manager is guilty of a misdemeanor.

(f) (1) Certificates issued under this section shall be renewed every two years and renewal shall be conditional upon the certificate holder submitting documentation of completion of 40 hours of continuing education related to the core of knowledge specified in subdivision (c). No more than one-half of the required 40 hours of continuing education necessary to renew the certificate may be satisfied through online courses. All other continuing education hours shall be completed in a classroom setting. For purposes of this section, an individual who is a group home ~~facility~~ *or short-term residential treatment center* administrator and who is required to complete the continuing education hours required by the regulations of the State Department of Developmental Services, and approved by the regional center, may have up to 24 of the required continuing education course hours credited toward the 40-hour continuing education requirement of this section. ~~Community~~ *The department shall accept for certification, community college course hours approved by the regional centers* ~~shall be accepted by the department for certification centers.~~

(2) Every administrator of a group home ~~facility~~ *or short-term residential treatment center* shall complete the continuing education requirements of this subdivision.

(3) Certificates issued under this section shall expire every two years on the anniversary date of the initial issuance of the certificate, except that any administrator receiving his or her initial certification on or after July 1, 1999, shall make an irrevocable

1 election to have his or her recertification date for any subsequent  
2 recertification either on the date two years from the date of issuance  
3 of the certificate or on the individual's birthday during the second  
4 calendar year following certification. The department shall send  
5 a renewal notice to the certificate holder 90 days prior to the  
6 expiration date of the certificate. If the certificate is not renewed  
7 prior to its expiration date, reinstatement shall only be permitted  
8 after the certificate holder has paid a delinquency fee equal to three  
9 times the renewal fee and has provided evidence of completion of  
10 the continuing education required.

11 (4) To renew a certificate, the certificate holder shall, on or  
12 before the certificate expiration date, request renewal by submitting  
13 to the department documentation of completion of the required  
14 continuing education courses and pay the renewal fee of one  
15 hundred dollars (\$100), irrespective of receipt of the department's  
16 notification of the renewal. A renewal request postmarked on or  
17 before the expiration of the certificate shall be proof of compliance  
18 with this paragraph.

19 (5) A suspended or revoked certificate shall be subject to  
20 expiration as provided for in this section. If reinstatement of the  
21 certificate is approved by the department, the certificate holder,  
22 as a condition precedent to reinstatement, shall submit proof of  
23 compliance with paragraphs (1) and (2) of subdivision (f), and  
24 shall pay a fee in an amount equal to the renewal fee, plus the  
25 delinquency fee, if any, accrued at the time of its revocation or  
26 suspension. Delinquency fees, if any, accrued subsequent to the  
27 time of its revocation or suspension and prior to an order for  
28 reinstatement, shall be waived for a period of 12 months to allow  
29 the individual sufficient time to complete the required continuing  
30 education units and to submit the required documentation.  
31 Individuals whose certificates will expire within 90 days after the  
32 order for reinstatement may be granted a three-month extension  
33 to renew their certificates during which time the delinquency fees  
34 shall not accrue.

35 (6) A certificate that is not renewed within four years after its  
36 expiration shall not be renewed, restored, reissued, or reinstated  
37 except upon completion of a certification training program, passing  
38 any test that may be required of an applicant for a new certificate  
39 at that time, and paying the appropriate fees provided for in this  
40 section.

1 (7) A fee of twenty-five dollars (\$25) shall be charged for the  
2 reissuance of a lost certificate.

3 (8) A certificate holder shall inform the department of his or  
4 her employment status and change of mailing address within 30  
5 days of any change.

6 (g) Unless otherwise ordered by the department, the certificate  
7 shall be considered forfeited under either of the following  
8 conditions:

9 (1) The department has revoked any license held by the  
10 administrator after the department issued the certificate.

11 (2) The department has issued an exclusion order against the  
12 administrator pursuant to Section 1558, 1568.092, 1569.58, or  
13 1596.8897, after the department issued the certificate, and the  
14 administrator did not appeal the exclusion order or, after the appeal,  
15 the department issued a decision and order that upheld the  
16 exclusion order.

17 (h) (1) The department, in consultation and collaboration with  
18 county placement officials, provider organizations, the State  
19 Department of Health Care Services, and the State Department of  
20 Developmental Services, shall establish, by regulation, the program  
21 content, the testing instrument, the process for approving  
22 ~~certification~~ *administrator certification* training programs, and  
23 criteria to be used in authorizing individuals, organizations, or  
24 educational institutions to conduct certification training programs  
25 and continuing education courses. The department may also grant  
26 continuing education hours for continuing courses offered by  
27 accredited educational institutions that are consistent with the  
28 requirements in this section. The department may deny vendor  
29 approval to any agency or person in any of the following  
30 circumstances:

31 (A) The applicant has not provided the department with evidence  
32 satisfactory to the department of the ability of the applicant to  
33 satisfy the requirements of vendorization set out in the regulations  
34 adopted by the department pursuant to subdivision (j).

35 (B) The applicant person or agency has a conflict of interest in  
36 that the person or agency places its clients in group ~~home facilities~~  
37 *homes or short-term residential treatment centers*.

38 (C) The applicant public or private agency has a conflict of  
39 interest in that the agency is mandated to place clients in group  
40 *homes or short-term residential treatment centers* and to pay

1 directly for the services. The department may deny vendorization  
2 to this type of agency only as long as there are other vendor  
3 programs available to conduct the certification training programs  
4 and conduct education courses.

5 (2) The department may authorize vendors to conduct the  
6 administrator's certification training program pursuant to this  
7 section. The department shall conduct the written test pursuant to  
8 regulations adopted by the department.

9 (3) The department shall prepare and maintain an updated list  
10 of approved training vendors.

11 (4) The department may inspect *administrator* certification  
12 training programs and continuing education courses, including  
13 online courses, at no charge to the department, to determine if  
14 content and teaching methods comply with regulations. If the  
15 department determines that any vendor is not complying with the  
16 requirements of this section, the department shall take appropriate  
17 action to bring the program into compliance, which may include  
18 removing the vendor from the approved list.

19 (5) The department shall establish reasonable procedures and  
20 timeframes not to exceed 30 days for the approval of vendor  
21 training programs.

22 (6) The department may charge a reasonable fee, not to exceed  
23 one hundred fifty dollars (\$150) every two years, to certification  
24 program vendors for review and approval of the initial 40-hour  
25 training program pursuant to subdivision (c). The department may  
26 also charge the vendor a fee, not to exceed one hundred dollars  
27 (\$100) every two years, for the review and approval of the  
28 continuing education courses needed for recertification pursuant  
29 to this subdivision.

30 (7) (A) A vendor of online programs for continuing education  
31 shall ensure that each online course contains all of the following:

32 (i) An interactive portion in which the participant receives  
33 feedback, through online communication, based on input from the  
34 participant.

35 (ii) Required use of a personal identification number or personal  
36 identification information to confirm the identity of the participant.

37 (iii) A final screen displaying a printable statement, to be signed  
38 by the participant, certifying that the identified participant  
39 completed the course. The vendor shall obtain a copy of the final  
40 screen statement with the original signature of the participant prior

1 to the issuance of a certificate of completion. The signed statement  
2 of completion shall be maintained by the vendor for a period of  
3 three years and be available to the department upon demand. Any  
4 person who certifies as true any material matter pursuant to this  
5 clause that he or she knows to be false is guilty of a misdemeanor.

6 (B) Nothing in this subdivision shall prohibit the department  
7 from approving online programs for continuing education that do  
8 not meet the requirements of subparagraph (A) if the vendor  
9 demonstrates to the department's satisfaction that, through  
10 advanced technology, the course and the course delivery meet the  
11 requirements of this section.

12 (i) The department shall establish a registry for holders of  
13 certificates that shall include, at a minimum, information on  
14 employment status and criminal record clearance.

15 (j) Subdivisions (b) to (i), inclusive, shall be implemented upon  
16 regulations being adopted by the department, by January 1, 2000.

17 (k) Notwithstanding any provision of law to the contrary,  
18 vendors approved by the department who exclusively provide  
19 either initial or continuing education courses for certification of  
20 administrators of a group home ~~facility~~ or short-term residential  
21 treatment center as defined by regulations of the department, an  
22 adult residential facility as defined by regulations of the  
23 department, or a residential care facility for the elderly as defined  
24 in subdivision (k) of Section 1569.2, shall be regulated solely by  
25 the department pursuant to this chapter. No other state or local  
26 governmental entity shall be responsible for regulating the activity  
27 of those vendors.

28 SEC. 15. Section 1522.43 of the Health and Safety Code is  
29 amended to read:

30 1522.43. (a) (1) For the duties the department imposes on a  
31 group home ~~facility administrator~~ or short-term residential  
32 treatment center administrator in this chapter and in regulations  
33 adopted by the department, every group home and short-term  
34 residential treatment center shall state in its plan of operation, the  
35 number of hours per week that the administrator shall spend  
36 completing those duties and how the group home administrator  
37 or short-term residential treatment center administrator shall  
38 accomplish those duties, including use of support personnel.

1 (2) For initial applicants, the information in paragraph (1) shall  
2 be contained in the plan of operation submitted to the department  
3 in the application.

4 (3) For current licensees, the licensee shall submit an amended  
5 plan of operation that contains the information required by  
6 paragraph (1) within six months of the effective date of this section.  
7 For changes in the group home administrator duties imposed by  
8 the department in this chapter or in regulations, a current licensee  
9 shall have six months after the effective date of those duties to  
10 submit an amended plan of operation to reflect the new  
11 administrator duties.

12 (b) (1) The department may review a group home's *or*  
13 *short-term residential treatment center's* plan of operation to  
14 determine if the plan of operation is sufficient to ensure that the  
15 facility will operate in compliance with applicable licensing laws  
16 and regulations. As part of the review, the department may request  
17 that a peer review panel review the plan of operation *for a group*  
18 *home as prescribed in paragraph (2), or for a short-term*  
19 *residential treatment center as prescribed in paragraph (3).*

20 (2) The peer review panel shall consist of two representatives  
21 from the department, a qualified group home administrator, an  
22 experienced group home provider *in good standing*, and a member  
23 or members from the placement agency or agencies that place  
24 children in group homes.

25 (3) *The peer review panel shall consist of two representatives*  
26 *from the department, a qualified short-term residential treatment*  
27 *center administrator, a short-term residential treatment center*  
28 *provider in good standing, and a member or members from the*  
29 *placement agency or agencies that place children in short-term*  
30 *residential treatment centers.*

31 (c) A group home *or short-term residential treatment center*  
32 shall develop a daily schedule of activities for the children at the  
33 facility. The facility shall have this schedule available for  
34 inspection by the department. The activities in which the children  
35 are scheduled to participate shall be designed to meet the needs of  
36 the individual child, and shall be based on that child's needs and  
37 services plan.

38 *SEC. 16. Section 1524.6 of the Health and Safety Code is*  
39 *amended to read:*

1524.6. (a) In addition to any other requirement of this chapter, any group home ~~facility~~ or *short-term residential treatment center*, as defined by regulations of the department, providing care for any number of persons, that is not already subject to the requirements of Section 1524.5, shall provide a procedure approved by the licensing agency for immediate response to incidents and complaints, as defined by regulations of the department. This procedure shall include a method of ensuring that the owner, licensee, or person designated by the owner or licensee is notified of the incident or complaint, that the owner, licensee, or person designated by the owner or licensee has personally investigated the matter, and that the person making the complaint or reporting the incident has received a written response, within 30 days of receiving the complaint, of action taken, or a reason why no action needs to be taken.

(b) In order to ensure the opportunity for complaints to be made directly to the owner, licensee, or person designated by the owner or licensee, and to provide the opportunity for the owner, licensee, or person designated by the owner or licensee to meet neighborhood residents and learn of problems in the neighborhood, any group home ~~facility~~ or *short-term residential treatment center* shall establish a fixed time on a periodic basis when the owner, licensee, or person designated by the owner or licensee will be present. At this fixed time, information shall be provided to neighborhood residents of the complaint procedure pursuant to Section 1538.

(c) Facilities shall establish procedures to comply with the requirements of this section on or before July 1, 2005.

(d) This section shall not apply to family homes certified by foster family agencies, foster family homes, and small family homes. It is not the intent of the Legislature that this section be applied in a way that is contrary to the child's best interests.

*SEC. 17. Section 1529.2 of the Health and Safety Code is amended to read:*

1529.2. (a) In addition to the foster parent training provided by community colleges, foster family agencies shall provide a program of training for their certified foster families.

(b) (1) Every licensed foster parent shall complete a minimum of 12 hours of foster parent training, as prescribed in paragraph (3), before the placement of any foster children with the foster



1 parent. In addition, a foster parent shall complete a minimum of  
2 eight hours of foster parent training annually, as prescribed in  
3 paragraph (4). No child shall be placed in a foster family home  
4 unless these requirements are met by the persons in the home who  
5 are serving as the foster parents.

6 (2) (A) Upon the request of the foster parent for a hardship  
7 waiver from the postplacement training requirement or a request  
8 for an extension of the deadline, the county may, at its option, on  
9 a case-by-case basis, waive the postplacement training requirement  
10 or extend any established deadline for a period not to exceed one  
11 year, if the postplacement training requirement presents a severe  
12 and unavoidable obstacle to continuing as a foster parent. Obstacles  
13 for which a county may grant a hardship waiver or extension are:

14 (i) Lack of access to training due to the cost or travel required.

15 (ii) Family emergency.

16 (B) Before a waiver or extension may be granted, the foster  
17 parent should explore the opportunity of receiving training by  
18 video or written materials.

19 (3) The initial preplacement training shall include, but not be  
20 limited to, training courses that cover all of the following:

21 (A) An overview of the child protective system.

22 (B) The effects of child abuse and neglect on child development.

23 (C) Positive discipline and the importance of self-esteem.

24 (D) Health issues in foster care.

25 (E) Accessing education and health services available to foster  
26 children.

27 (F) The right of a foster child to have fair and equal access to  
28 all available services, placement, care, treatment, and benefits, and  
29 to not be subjected to discrimination or harassment on the basis  
30 of actual or perceived race, ethnic group identification, ancestry,  
31 national origin, color, religion, sex, sexual orientation, gender  
32 identity, mental or physical disability, or HIV status.

33 (G) Instruction on cultural competency and sensitivity relating  
34 to, and best practices for, providing adequate care to lesbian, gay,  
35 bisexual, and transgender youth in out-of-home care.

36 (H) Basic instruction on the existing laws and procedures  
37 regarding the safety of foster youth at school and the ensuring of  
38 a harassment and violence free school environment contained in  
39 the California Student Safety and Violence Prevention Act of 2000

1 (Article 3.6 (commencing with Section 32228) of Chapter 2 of  
2 Part 19 of Division 1 of Title 1 of the Education Code).

3 (4) The postplacement annual training shall include, but not be  
4 limited to, training courses that cover all of the following:

5 (A) Age-appropriate child development.

6 (B) Health issues in foster care.

7 (C) Positive discipline and the importance of self-esteem.

8 (D) Emancipation and independent living skills if a foster parent  
9 is caring for youth.

10 (E) The right of a foster child to have fair and equal access to  
11 all available services, placement, care, treatment, and benefits, and  
12 to not be subjected to discrimination or harassment on the basis  
13 of actual or perceived race, ethnic group identification, ancestry,  
14 national origin, color, religion, sex, sexual orientation, gender  
15 identity, mental or physical disability, or HIV status.

16 (F) Instruction on cultural competency and sensitivity relating  
17 to, and best practices for, providing adequate care to lesbian, gay,  
18 bisexual, and transgender youth in out-of-home care.

19 (5) Foster parent training may be attained through a variety of  
20 sources, including community colleges, counties, hospitals, foster  
21 parent associations, the California State Foster Parent Association's  
22 Conference, adult schools, and certified foster parent instructors.

23 (6) A candidate for placement of foster children shall submit a  
24 certificate of training to document completion of the training  
25 requirements. The certificate shall be submitted with the initial  
26 consideration for placements and provided at the time of the annual  
27 visit by the licensing agency thereafter.

28 (c) Nothing in this section shall preclude a county from requiring  
29 county-provided preplacement or postplacement foster parent  
30 training in excess of the requirements in this section.

31 (d) *This section shall remain in effect only until January 1, 2017,*  
32 *and as of that date is repealed, unless a later enacted statute, that*  
33 *is enacted before January 1, 2017, deletes or extends that date.*

34 SEC. 18. *Section 1529.2 is added to the Health and Safety*  
35 *Code, to read:*

36 1529.2. (a) *It is the intent of the Legislature that all foster*  
37 *parents have the necessary knowledge, skills, and abilities to*  
38 *support the safety, permanency, and well-being of children in foster*  
39 *care. Initial and ongoing preparation and training of foster parents*  
40 *should support the foster parent's role in parenting vulnerable*

1 children, youth, and young adults, including supporting the  
2 children's connection with their families. Their training should  
3 be ongoing in order to provide foster parents with information on  
4 new practices and requirements within the child welfare system  
5 and may be offered in a classroom setting, online, or individually.

6 (b) Prior to licensing or certification, training shall include,  
7 but not be limited to, the following topics:

8 (1) An overview of the child protective system.

9 (2) The effects of trauma and child abuse or neglect on child  
10 development and behavior.

11 (3) Positive discipline and the importance of self-esteem.

12 (4) Health issues in foster care, including the administration of  
13 psychotropic and other medications.

14 (5) Accessing education, health, and behavioral health services  
15 available to foster children.

16 (6) The rights of a child in foster care, and the foster parent's  
17 responsibility to safeguard those rights, including the right to have  
18 fair and equal access to all available services, placement, care,  
19 treatment, and benefits, and to not be subjected to discrimination  
20 or harassment on the basis of actual or perceived race, ethnic  
21 group identification, ancestry, national origin, color, religion, sex,  
22 sexual orientation, gender identity, mental or physical disability,  
23 or HIV status.

24 (7) Cultural needs of children, including instruction on cultural  
25 competency and respect relating to, and best practices for,  
26 providing adequate care to lesbian, gay, bisexual, and transgender  
27 youth in out-of-home care.

28 (8) Basic instruction on existing laws and procedures regarding  
29 the safety of foster youth at school; and ensuring a harassment  
30 and violence free school environment pursuant to the California  
31 Student Safety and Violence Prevention Act (Article 3.6  
32 (commencing with Section 32228) of Chapter 2 of Part 19 of  
33 Division 1 of Title 1 of the Education Code).

34 (9) Permanence and well-being needs of children.

35 (10) Child and adolescent development.

36 (11) Role of foster parents, including working cooperatively  
37 with the child welfare agency, the child's family, and other service  
38 providers implementing the case plan.

1     (12) A foster parent's responsibility to act as a reasonable and  
2     prudent parent; and to maintain the least restrictive, most  
3     family-like environment that serves the needs of the child.

4     (c) In addition to the initial requirements contained in  
5     subdivision (b), a licensed or certified foster parent shall complete  
6     a minimum number of training hours annually, a portion of which  
7     shall be from one or more of the following topics, as prescribed  
8     by the department, pursuant to subdivision (a):

9     (1) Age-appropriate child and adolescent development.

10    (2) Health issues in foster care, including the administration of  
11    psychotropic and other medications.

12    (3) Positive discipline and the importance of self-esteem.

13    (4) Preparation for youth and young adults for a successful  
14    transition to adulthood.

15    (5) The right of a foster child to have fair and equal access to  
16    all available services, placement, care, treatment, and benefits,  
17    and to not be subjected to discrimination or harassment on the  
18    basis of actual or perceived race, ethnic group identification,  
19    ancestry, national origin, color, religion, sex, sexual orientation,  
20    gender identity, mental or physical disability, or HIV status.

21    (6) Instruction on cultural competency and respect relating to,  
22    and best practices for, providing adequate care to lesbian, gay,  
23    bisexual, and transgender youth in out-of-home care.

24    (d) No child shall be placed with a foster parent unless each  
25    foster parent in the home meets the requirements of this section.

26    (e) (1) Upon the request of the licensed or certified foster parent  
27    for a hardship waiver from the annual training requirement or a  
28    request for an extension of the deadline, the county may, at its  
29    option, on a case-by-case basis, waive the training requirement  
30    or extend any established deadline for a period not to exceed one  
31    year, if the training requirement presents a severe and unavoidable  
32    obstacle to continuing as a foster parent.

33    (2) Obstacles for which a county may grant a hardship waiver  
34    or extension are:

35    (A) Lack of access to training due to the cost or travel required.

36    (B) Family emergency.

37    (3) Before a waiver or extension may be granted, the licensed  
38    or certified foster parent should explore the opportunity of  
39    receiving training by video or written materials.

1 (f) (1) Foster parent training may be obtained through sources  
2 that include, but are not necessarily limited to, community colleges,  
3 counties, hospitals, foster parent associations, the California State  
4 Foster Parent Association's Conference, adult schools, and  
5 certified foster parent instructors.

6 (2) In addition to the foster parent training provided by  
7 community colleges, foster family agencies shall provide a program  
8 of training for their certified foster families.

9 (g) Training certificates shall be submitted to the appropriate  
10 licensing or foster family agency.

11 (1) A foster parent applicant shall submit a certificate of  
12 completion of training as a precondition of licensure or  
13 certification.

14 (2) Upon completion, a licensed or certified parent shall submit  
15 a certificate of completion for the annual training requirements.

16 (h) Nothing in this section shall preclude a county or a foster  
17 family agency from requiring foster parent training in excess of  
18 the requirements in this section.

19 (i) This section shall become operative on January 1, 2017.

20 SEC. 19. Section 1530.7 of the Health and Safety Code is  
21 amended to read:

22 1530.7. (a) Group homes, short-term residential treatment  
23 centers, foster family agencies, small family homes, transitional  
24 housing placement providers, and crisis nurseries licensed pursuant  
25 to this chapter shall maintain a smoke-free environment in the  
26 facility.

27 (b) A person who is licensed or certified pursuant to this chapter  
28 to provide residential care in a foster family home or certified  
29 family home shall not smoke or permit any other person to smoke  
30 inside the facility, and, when the child is present, on the outdoor  
31 grounds of the facility.

32 (c) A person who is licensed or certified pursuant to this chapter  
33 to provide residential foster care shall not smoke in any motor  
34 vehicle that is regularly used to transport the child.

35 SEC. 20. Section 1530.8 of the Health and Safety Code is  
36 amended to read:

37 1530.8. (a) (1) The department shall adopt regulations for  
38 community care facilities licensed as group homes, and for  
39 temporary shelter care facilities as defined in subdivision (c), that  
40 care for dependent children, children placed by a regional center,

1 or voluntary placements, who are younger than six years of age.  
2 The department shall adopt these regulations after assessing the  
3 needs of this population and developing standards pursuant to  
4 Section 11467.1 of the Welfare and Institutions Code. *To the extent*  
5 *that the department determines they are necessary, the department*  
6 *may adopt regulations under this section that apply to short-term*  
7 *residential treatment centers that care for children younger than*  
8 *six years of age.*

9 (2) The department shall adopt regulations under this section  
10 that apply to mother and infant programs serving children younger  
11 than six years of age who reside in a group home *or short-term*  
12 *residential treatment centers* with a minor parent who is the  
13 primary caregiver of the child that shall be subject to the  
14 requirements of subdivision (d). *To the extent that the department*  
15 *determines they are necessary, the department may adopt*  
16 *regulations under this section that apply to short-term residential*  
17 *treatment centers that provide mother and infant programs serving*  
18 *children younger than six years of age.*

19 (3) To the extent that the department determines they are  
20 necessary, the department shall adopt regulations under this section  
21 that apply to group homes *or short-term residential treatment*  
22 *centers* that care for dependent children who are 6 to 12 years of  
23 age, inclusive. In order to determine whether such regulations are  
24 necessary, and what any resulting standards should include, the  
25 department shall consult with interested parties that include, but  
26 are not limited to, representatives of current and former foster  
27 youth, advocates for children in foster care, county welfare and  
28 mental health directors, chief probation officers, representatives  
29 of care providers, experts in child development, and representatives  
30 of the Legislature. The standards may provide normative guidelines  
31 differentiated by the needs specific to children in varying age  
32 ranges that fall between 6 and 12 years of age, inclusive. Prior to  
33 adopting regulations, the department shall submit for public  
34 comment, by July 1, 2016, any proposed regulations.

35 (b) The regulations shall include physical environment standards,  
36 including staffing and health and safety requirements, that meet  
37 or exceed state child care standards under Title 5 and Title 22 of  
38 the California Code of Regulations.

1 (c) For purposes of this section, a “temporary shelter care  
2 facility” means any residential facility that meets all of the  
3 following requirements:

4 (1) It is owned and operated by the county.

5 (2) It is a 24-hour facility that provides short-term residential  
6 care and supervision for dependent children under 18 years of age  
7 who have been removed from their homes as a result of abuse or  
8 neglect, as defined in Section 300 of the Welfare and Institutions  
9 Code, or both.

10 ~~(d) (1) By September 1, 1999, the department shall submit for~~  
11 ~~public comment regulations specific to mother and infant programs~~  
12 ~~serving children younger than six years of age who are dependents~~  
13 ~~of the court and reside in a group home with a minor child who is~~  
14 ~~the primary caregiver of the child.~~

15 ~~(2) The regulations shall include provisions that when the minor~~  
16 ~~parent is absent and the facility is providing direct care to children~~  
17 ~~younger than six years of age who are dependents of the court,~~  
18 ~~there shall be one child care staff person for every four children~~  
19 ~~of minor parents.~~

20 ~~(3) In developing these proposed regulations, the department~~  
21 ~~shall issue the proposed regulations for public comment, and shall~~  
22 ~~refer to existing national standards for mother and infant programs~~  
23 ~~as a guideline, where applicable.~~

24 ~~(4) Prior to preparing the proposed regulations, the department~~  
25 ~~shall consult with interested parties by convening a meeting by~~  
26 ~~February 28, 1999, that shall include, but not be limited to,~~  
27 ~~representatives from a public interest law firm specializing in~~  
28 ~~children’s issues and provider organizations.~~

29 *SEC. 21. Section 1531.1 of the Health and Safety Code is*  
30 *amended to read:*

31 1531.1. (a) A residential facility licensed as an adult residential  
32 facility, group home, *short-term residential treatment center*, small  
33 family home, foster family home, or a family home certified by a  
34 foster family agency may install and utilize delayed egress devices  
35 of the time delay type.

36 (b) As used in this section, “delayed egress device” means a  
37 device that precludes the use of exits for a predetermined period  
38 of time. These devices shall not delay any resident’s departure  
39 from the facility for longer than 30 seconds.

1 (c) Within the 30 seconds of delay, facility staff may attempt  
2 to redirect a resident who attempts to leave the facility.

3 (d) Any person accepted by a residential facility or family home  
4 certified by a foster family agency utilizing delayed egress devices  
5 shall meet all of the following conditions:

6 (1) The person shall have a developmental disability as defined  
7 in Section 4512 of the Welfare and Institutions Code.

8 (2) The person shall be receiving services and case management  
9 from a regional center under the Lanterman Developmental  
10 Disabilities Services Act (Division 4.5 (commencing with Section  
11 4500) of the Welfare and Institutions Code).

12 (3) An interdisciplinary team, through the Individual Program  
13 Plan (IPP) process pursuant to Section 4646.5 of the Welfare and  
14 Institutions Code, shall have determined that the person lacks  
15 hazard awareness or impulse control and requires the level of  
16 supervision afforded by a facility equipped with delayed egress  
17 devices, and that but for this placement, the person would be at  
18 risk of admission to, or would have no option but to remain in, a  
19 more restrictive state hospital or state developmental center  
20 placement.

21 (e) The facility shall be subject to all fire and building codes,  
22 regulations, and standards applicable to residential care facilities  
23 for the elderly utilizing delayed egress devices, and shall receive  
24 approval by the county or city fire department, the local fire  
25 prevention district, or the State Fire Marshal for the installed  
26 delayed egress devices.

27 (f) The facility shall provide staff training regarding the use and  
28 operation of the egress control devices utilized by the facility,  
29 protection of residents' personal rights, lack of hazard awareness  
30 and impulse control behavior, and emergency evacuation  
31 procedures.

32 (g) The facility shall develop a plan of operation approved by  
33 the State Department of Social Services that includes a description  
34 of how the facility is to be equipped with egress control devices  
35 that are consistent with regulations adopted by the State Fire  
36 Marshal pursuant to Section 13143.

37 (h) The plan shall include, but shall not be limited to, all of the  
38 following:



1 (1) A description of how the facility will provide training for  
2 staff regarding the use and operation of the egress control devices  
3 utilized by the facility.

4 (2) A description of how the facility will ensure the protection  
5 of the residents' personal rights consistent with Sections 4502,  
6 4503, and 4504 of the Welfare and Institutions Code.

7 (3) A description of how the facility will manage the person's  
8 lack of hazard awareness and impulse control behavior.

9 (4) A description of the facility's emergency evacuation  
10 procedures.

11 (i) Delayed egress devices shall not substitute for adequate staff.  
12 Except for facilities operating in accordance with Section 1531.15,  
13 the capacity of the facility shall not exceed six residents.

14 (j) Emergency fire and earthquake drills shall be conducted at  
15 least once every three months on each shift, and shall include all  
16 facility staff providing resident care and supervision on each shift.

17 *SEC. 22. Section 1531.15 of the Health and Safety Code is*  
18 *amended to read:*

19 1531.15. (a) A licensee of an adult residential facility,  
20 *short-term residential treatment center*, or group home for no more  
21 than 15 residents, that is eligible for and serving clients eligible  
22 for federal Medicaid funding and utilizing delayed egress devices  
23 pursuant to Section 1531.1, may install and utilize secured  
24 perimeters in accordance with the provisions of this section.

25 (b) As used in this section, "secured perimeters" means fences  
26 that meet the requirements prescribed by this section.

27 (c) Only individuals meeting all of the following conditions  
28 may be admitted to or reside in a facility described in subdivision

29 (a) utilizing secured perimeters:

30 (1) The person shall have a developmental disability as defined  
31 in Section 4512 of the Welfare and Institutions Code.

32 (2) The person shall be receiving services and case management  
33 from a regional center under the Lanterman Developmental  
34 Disabilities Services Act (Division 4.5 (commencing with Section  
35 4500) of the Welfare and Institutions Code).

36 (3) (A) The person shall be 14 years of age or older, except as  
37 specified in subparagraph (B).

38 (B) Notwithstanding subparagraph (A), a child who is at least  
39 10 years of age and less than 14 years of age may be placed in a  
40 licensed group home *or short-term residential treatment center*

1 described in subdivision (a) using secured perimeters only if both  
2 of the following occur:

3 (i) A comprehensive assessment is conducted and an individual  
4 program plan meeting is convened to determine the services and  
5 supports needed for the child to receive services in a less restrictive,  
6 unlocked residential setting in California, and the regional center  
7 requests assistance from the State Department of Developmental  
8 Services' statewide specialized resource service to identify options  
9 to serve the child in a less restrictive, unlocked residential setting  
10 in California.

11 (ii) The regional center requests placement of the child in a  
12 licensed group home *or short-term residential treatment center*  
13 described in subdivision (a) using secured perimeters on the basis  
14 that the placement is necessary to prevent out-of-state placement  
15 or placement in a more restrictive, locked residential setting and  
16 the State Department of Developmental Services approves the  
17 request.

18 (4) The person is not a foster child under the jurisdiction of the  
19 juvenile court pursuant to Section 300, 450, 601, or 602 of the  
20 Welfare and Institutions Code.

21 (5) An interdisciplinary team, through the individual program  
22 plan (IPP) process pursuant to Section 4646.5 of the Welfare and  
23 Institutions Code, shall have determined the person lacks hazard  
24 awareness or impulse control and, for his or her safety and security,  
25 requires the level of supervision afforded by a facility equipped  
26 with secured perimeters, and, but for this placement, the person  
27 would be at risk of admission to, or would have no option but to  
28 remain in, a more restrictive placement. The individual program  
29 planning team shall determine the continued appropriateness of  
30 the placement at least annually.

31 (d) The licensee shall be subject to all applicable fire and  
32 building codes, regulations, and standards, and shall receive  
33 approval by the county or city fire department, the local fire  
34 prevention district, or the State Fire Marshal for the installed  
35 secured perimeters.

36 (e) The licensee shall provide staff training regarding the use  
37 and operation of the secured perimeters, protection of residents'  
38 personal rights, lack of hazard awareness and impulse control  
39 behavior, and emergency evacuation procedures.

1 (f) The licensee shall revise its facility plan of operation. These  
2 revisions shall first be approved by the State Department of  
3 Developmental Services. The plan of operation shall not be  
4 approved by the State Department of Social Services unless the  
5 licensee provides certification that the plan was approved by the  
6 State Department of Developmental Services. The plan shall  
7 include, but not be limited to, all of the following:

8 (1) A description of how the facility is to be equipped with  
9 secured perimeters that are consistent with regulations adopted by  
10 the State Fire Marshal pursuant to Section 13143.6.

11 (2) A description of how the facility will provide training for  
12 staff.

13 (3) A description of how the facility will ensure the protection  
14 of the residents' personal rights consistent with Sections 4502,  
15 4503, and 4504 of the Welfare and Institutions Code, and any  
16 applicable personal rights provided in Title 22 of the California  
17 Code of Regulations.

18 (4) A description of how the facility will manage residents' lack  
19 of hazard awareness and impulse control behavior.

20 (5) A description of the facility's emergency evacuation  
21 procedures.

22 (g) Secured perimeters shall not substitute for adequate staff.

23 (h) Emergency fire and earthquake drills shall be conducted on  
24 each shift in accordance with existing licensing requirements, and  
25 shall include all facility staff providing resident care and  
26 supervision on each shift.

27 (i) Interior and exterior space shall be available on the facility  
28 premises to permit clients to move freely and safely.

29 (j) For the purpose of using secured perimeters, the licensee  
30 shall not be required to obtain a waiver or exception to a regulation  
31 that would otherwise prohibit the locking of a perimeter fence or  
32 gate.

33 (k) This section shall become operative only upon the  
34 publication in Title 17 of the California Code of Regulations of  
35 emergency regulations filed by the State Department of  
36 Developmental Services. These regulations shall be developed  
37 with stakeholders, including the State Department of Social  
38 Services, consumer advocates, and regional centers. The regulations  
39 shall establish program standards for homes that include secured  
40 perimeters, including requirements and timelines for the completion

1 and updating of a comprehensive assessment of each consumer's  
2 needs, including the identification through the individual program  
3 plan process of the services and supports needed to transition the  
4 consumer to a less restrictive living arrangement, and a timeline  
5 for identifying or developing those services and supports. The  
6 regulations shall establish a statewide limit on the total number of  
7 beds in homes with secured perimeters. The adoption of these  
8 regulations shall be deemed to be an emergency and necessary for  
9 the immediate preservation of the public peace, health and safety,  
10 or general welfare.

11 *SEC. 23. Section 1534 of the Health and Safety Code is*  
12 *amended to read:*

13 1534. (a) (1) (A) Except for foster family homes, every  
14 licensed community care facility shall be subject to unannounced  
15 inspections by the department.

16 (B) Foster family homes shall be subject to announced  
17 inspections by the department, except that a foster family home  
18 shall be subject to unannounced inspections in response to a  
19 complaint, a plan of correction, or under any of the circumstances  
20 set forth in subparagraph (B) of paragraph (2).

21 (2) (A) The department may inspect these facilities as often as  
22 necessary to ensure the quality of care provided.

23 (B) The department shall conduct an annual unannounced  
24 inspection of a facility under any of the following circumstances:

25 (i) When a license is on probation.

26 (ii) When the terms of agreement in a facility compliance plan  
27 require an annual inspection.

28 (iii) When an accusation against a licensee is pending.

29 (iv) When a facility requires an annual inspection as a condition  
30 of receiving federal financial participation.

31 (v) In order to verify that a person who has been ordered out of  
32 a facility by the department is no longer at the facility.

33 (C) (i) The department shall conduct annual unannounced  
34 inspections of no less than 20 percent of facilities, except for foster  
35 family homes, not subject to an inspection under subparagraph  
36 (B).

37 (ii) The department shall conduct annual announced inspections  
38 of no less than 20 percent of foster family homes not subject to an  
39 inspection under subparagraph (B).

1 (iii) These inspections shall be conducted based on a random  
2 sampling methodology developed by the department.

3 (iv) If the total citations issued by the department to facilities  
4 exceed the previous year's total by 10 percent, the following year  
5 the department shall increase the random sample by an additional  
6 10 percent of the facilities not subject to an inspection under  
7 subparagraph (B). The department may request additional resources  
8 to increase the random sample by 10 percent.

9 (v) The department shall not inspect a licensed community care  
10 facility less often than once every five years.

11 (3) In order to facilitate direct contact with group home *or*  
12 *short-term residential treatment center* clients, the department  
13 may interview children who are clients of group homes *or*  
14 *short-term residential treatment centers* at any public agency or  
15 private agency at which the client may be found, including, but  
16 not limited to, a juvenile hall, recreation or vocational program,  
17 or a public or nonpublic school. The department shall respect the  
18 rights of the child while conducting the interview, including  
19 informing the child that he or she has the right not to be interviewed  
20 and the right to have another adult present during the interview.

21 (4) The department shall notify the community care facility in  
22 writing of all deficiencies in its compliance with the provisions of  
23 this chapter and the rules and regulations adopted pursuant to this  
24 chapter, and shall set a reasonable length of time for compliance  
25 by the facility.

26 (5) Reports on the results of each inspection, evaluation, or  
27 consultation shall be kept on file in the department, and all  
28 inspection reports, consultation reports, lists of deficiencies, and  
29 plans of correction shall be open to public inspection.

30 (b) (1) This section does not limit the authority of the  
31 department to inspect or evaluate a licensed foster family agency,  
32 a certified family home, or any aspect of a program in which a  
33 licensed community care facility is certifying compliance with  
34 licensing requirements.

35 (2) (A) A foster family agency shall conduct an announced  
36 inspection of a certified family home during the annual  
37 recertification described in Section 1506 in order to ensure that  
38 the certified family home meets all applicable licensing standards.  
39 A foster family agency may inspect a certified family home as  
40 often as necessary to ensure the quality of care provided.

1 (B) In addition to the inspections required pursuant to  
2 subparagraph (A), a foster family agency shall conduct an  
3 unannounced inspection of a certified family home under any of  
4 the following circumstances:

5 (i) When a certified family home is on probation.

6 (ii) When the terms of the agreement in a facility compliance  
7 plan require an annual inspection.

8 (iii) When an accusation against a certified family home is  
9 pending.

10 (iv) When a certified family home requires an annual inspection  
11 as a condition of receiving federal financial participation.

12 (v) In order to verify that a person who has been ordered out of  
13 a certified family home by the department is no longer at the home.

14 (3) Upon a finding of noncompliance by the department, the  
15 department may require a foster family agency to deny or revoke  
16 the certificate of approval of a certified family home, or take other  
17 action the department may deem necessary for the protection of a  
18 child placed with the certified family home. The certified parent  
19 or prospective foster parent shall be afforded the due process  
20 provided pursuant to this chapter.

21 (4) If the department requires a foster family agency to deny or  
22 revoke the certificate of approval, the department shall serve an  
23 order of denial or revocation upon the certified or prospective  
24 foster parent and foster family agency that shall notify the certified  
25 or prospective foster parent of the basis of the department's action  
26 and of the certified or prospective foster parent's right to a hearing.

27 (5) Within 15 days after the department serves an order of denial  
28 or revocation, the certified or prospective foster parent may file a  
29 written appeal of the department's decision with the department.  
30 The department's action shall be final if the certified or prospective  
31 foster parent does not file a written appeal within 15 days after the  
32 department serves the denial or revocation order.

33 (6) The department's order of the denial or revocation of the  
34 certificate of approval shall remain in effect until the hearing is  
35 completed and the director has made a final determination on the  
36 merits.

37 (7) A certified or prospective foster parent who files a written  
38 appeal of the department's order with the department pursuant to  
39 this section shall, as part of the written request, provide his or her  
40 current mailing address. The certified or prospective foster parent

1 shall subsequently notify the department in writing of any change  
2 in mailing address, until the hearing process has been completed  
3 or terminated.

4 (8) Hearings held pursuant to this section shall be conducted in  
5 accordance with Chapter 5 (commencing with Section 11500) of  
6 Part 1 of Division 3 of Title 2 of the Government Code. In all  
7 proceedings conducted in accordance with this section the standard  
8 of proof shall be by a preponderance of the evidence.

9 (9) The department may institute or continue a disciplinary  
10 proceeding against a certified or prospective foster parent upon  
11 any ground provided by this section or Section 1550, enter an order  
12 denying or revoking the certificate of approval, or otherwise take  
13 disciplinary action against the certified or prospective foster parent,  
14 notwithstanding any resignation, withdrawal of application,  
15 surrender of the certificate of approval, or denial or revocation of  
16 the certificate of approval by the foster family agency.

17 (10) A foster family agency's failure to comply with the  
18 department's order to deny or revoke the certificate of approval  
19 by placing or retaining children in care shall be grounds for  
20 disciplining the licensee pursuant to Section 1550.

21 *SEC. 24. Section 1536 of the Health and Safety Code is*  
22 *amended to read:*

23 1536. (a) (1) At least annually, the ~~director~~ department shall  
24 publish and make available to interested persons a list or lists  
25 covering all licensed community care facilities, other than foster  
26 family homes and certified family homes of foster family agencies  
27 providing 24-hour care for six or fewer foster children, and the  
28 services for which each facility has been licensed or issued a special  
29 permit.

30 (2) For a group home, transitional housing placement provider,  
31 community treatment facility, ~~or~~ runaway and homeless youth  
32 shelter, *or short-term residential treatment center*, the list shall  
33 include both of the following:

34 (A) The number of licensing complaints, types of complaint,  
35 and outcomes of complaints, including citations, fines, exclusion  
36 orders, license suspensions, revocations, and surrenders.

37 (B) The number, types, and outcomes of law enforcement  
38 contacts made by the facility staff or children, as reported pursuant  
39 to subdivision (a) of Section 1538.7.

(b) Subject to subdivision (c), to encourage the recruitment of foster family homes and certified family homes of foster family agencies, protect their personal privacy, and to preserve the security and confidentiality of the placements in the homes, the names, addresses, and other identifying information of facilities licensed as foster family homes and certified family homes of foster family agencies providing 24-hour care for six or fewer children shall be considered personal information for purposes of the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). This information shall not be disclosed by any state or local agency pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), except as necessary for administering the licensing program, facilitating the placement of children in these facilities, and providing names and addresses only to bona fide professional foster parent organizations upon request.

(c) Notwithstanding subdivision (b), the department, a county, or a foster family agency may request information from, or divulge information to, the department, a county, or a foster family agency, regarding a prospective certified parent, foster parent, or relative caregiver for the purpose of, and as necessary to, conduct a reference check to determine whether it is safe and appropriate to license, certify, or approve an applicant to be a certified parent, foster parent, or relative caregiver.

(d) The department may issue a citation and, after the issuance of that citation, may assess a civil penalty of fifty dollars (\$50) per day for each instance of a foster family agency's failure to provide the department with the information required by subdivision (h) of Section 88061 of Title 22 of the California Code of Regulations.

(e) The Legislature encourages the department, when funds are available for this purpose, to develop a database that would include all of the following information:

(1) Monthly reports by a foster family agency regarding family homes.

(2) A log of family homes certified and decertified, provided by a foster family agency to the department.

(3) Notification by a foster family agency to the department informing the department of a foster family agency's determination



1 to decertify a certified family home due to any of the following  
2 actions by the certified family parent:

3 (A) Violating licensing rules and regulations.

4 (B) Aiding, abetting, or permitting the violation of licensing  
5 rules and regulations.

6 (C) Conducting oneself in a way that is inimical to the health,  
7 morals, welfare, or safety of a child placed in that certified family  
8 home.

9 (D) Being convicted of a crime while a certified family parent.

10 (E) Knowingly allowing any child to have illegal drugs or  
11 alcohol.

12 (F) Committing an act of child abuse or neglect or an act of  
13 violence against another person.

14 *SEC. 25. Section 1538.3 of the Health and Safety Code is*  
15 *amended to read:*

16 1538.3. A county may develop a cooperative agreement with  
17 the department to access disclosable, public record information  
18 from an automated system, other than the system described in  
19 Section 1538.2, concerning substantiated complaints for all group  
20 home ~~facilities~~ or short-term residential treatment centers, as  
21 defined by regulations of the department, located within that  
22 county. Access to the database may be accomplished through a  
23 secure online transaction protocol.

24 *SEC. 26. Section 1538.5 of the Health and Safety Code is*  
25 *amended to read:*

26 1538.5. (a) (1) Not less than 30 days prior to the anniversary  
27 of the effective date of a residential community care facility license,  
28 except licensed foster family homes, the department may transmit  
29 a copy to the board members of the licensed facility, parents, legal  
30 guardians, conservators, clients' rights advocates, or placement  
31 agencies, as designated in each resident's placement agreement,  
32 of all inspection reports given to the facility by the department  
33 during the past year as a result of a substantiated complaint  
34 regarding a violation of this chapter relating to resident abuse and  
35 neglect, food, sanitation, incidental medical care, and residential  
36 supervision. During that one-year period the copy of the notices  
37 transmitted and the proof of the transmittal shall be open for public  
38 inspection.

39 (2) The department may transmit copies of the inspection reports  
40 referred to in paragraph (1) concerning ~~a group-homes~~ home or

1 *short-term residential treatment center*, as defined by regulations  
2 of the department, to the county in which ~~a the~~ group home ~~facility~~  
3 *or short-term residential treatment center* is located, if requested  
4 by that county.

5 (3) A group home ~~facility~~ *or short-term residential treatment*  
6 *center* shall maintain, at the facility, a copy of all licensing reports  
7 for the past three years that would be accessible to the public  
8 through the department, for inspection by placement officials,  
9 current and prospective facility clients, and these clients' family  
10 members who visit the facility.

11 (b) The facility operator, at the expense of the facility, shall  
12 transmit a copy of all substantiated complaints, by certified mail,  
13 to those persons described pursuant to paragraph (1) of subdivision  
14 (a) in the following cases:

15 (1) In the case of a substantiated complaint relating to resident  
16 physical or sexual abuse, the facility shall have three days from  
17 the date the facility receives the licensing report from the  
18 department to comply.

19 (2) In the case in which a facility has received three or more  
20 substantiated complaints relating to the same violation during the  
21 past 12 months, the facility shall have five days from the date the  
22 facility receives the licensing report to comply.

23 (c) A residential facility shall retain a copy of the notices  
24 transmitted pursuant to subdivision (b) and proof of their  
25 transmittal by certified mail for a period of one year after their  
26 transmittal.

27 (d) If a residential facility to which this section applies fails to  
28 comply with this section, as determined by the department, the  
29 department shall initiate civil penalty action against the facility in  
30 accordance with this article and the related rules and regulations.

31 (e) Not less than 30 days prior to the anniversary of the effective  
32 date of the license of any group home ~~facility~~ *or short-term*  
33 *residential treatment center*, as defined by regulations of the  
34 department, at the request of the county in which the group home  
35 ~~facility~~ *or short-term residential treatment center* is located, a  
36 group home ~~facility~~ *or short-term residential treatment center*  
37 shall transmit to the county a copy of all incident reports prepared  
38 by the group home ~~facility~~ *or short-term residential treatment*  
39 *center* and transmitted to a placement agency, as described in  
40 subdivision (f) of Section 1536.1, in a county other than the county

1 in which the group home ~~facility~~ *or short-term residential*  
2 *treatment center* is located that involved a response by local law  
3 enforcement or emergency services personnel, including runaway  
4 incidents. The county shall designate an official for the receipt of  
5 the incident reports and shall notify the group home *or short-term*  
6 *residential treatment center* of the designation. Prior to transmitting  
7 copies of incident reports to the county, the group home ~~facility~~  
8 *or short-term residential treatment center* shall redact the name  
9 of any child referenced in the incident reports, and other identifying  
10 information regarding any child referenced in the reports. The  
11 county may review the incident reports to ensure that the group  
12 home ~~facilities have~~ *or short-term residential treatment center has*  
13 taken appropriate action to ensure the health and safety of the  
14 residents of the facility.

15 (f) The department shall notify the residential community care  
16 facility of its obligation when it is required to comply with this  
17 section.

18 *SEC. 27. Section 1538.6 of the Health and Safety Code is*  
19 *amended to read:*

20 1538.6. (a) When the department periodically reviews the  
21 record of substantiated complaints against each group home ~~facility~~  
22 *or short-term residential treatment center*, pursuant to its oversight  
23 role as prescribed by Section 1534, to determine whether the nature,  
24 number, and severity of incidents upon which complaints were  
25 based constitute a basis for concern as to whether the provider is  
26 capable of effectively and efficiently operating the program, and  
27 if the department determines that there is cause for concern, it may  
28 contact the county in which a group home ~~facility~~ *or short-term*  
29 *residential treatment center* is located and placement agencies in  
30 other counties using the group home ~~facility~~ *or short-term*  
31 *residential treatment center*, and request their recommendations  
32 as to what action, if any, the department should take with regard  
33 to the provider's status as a licensed group home *or short-term*  
34 *residential treatment center* provider.

35 (b) It is the intent of the Legislature that the department make  
36 every effort to communicate with the county in which a group  
37 home ~~facility~~ *or short-term residential treatment center* is located  
38 when the department has concerns about group ~~home facilities~~  
39 *homes or short-term residential treatment centers* within that  
40 county.

1     *SEC. 28. Section 1538.7 of the Health and Safety Code is*  
2     *amended to read:*

3     1538.7. (a) A group home, transitional housing placement  
4     provider, community treatment facility, ~~or~~ runaway and homeless  
5     youth shelter, *or short-term residential treatment center* shall report  
6     to the department's Community Care Licensing Division upon the  
7     occurrence of any incident concerning a child in the facility  
8     involving contact with law enforcement. At least every six months,  
9     the facility shall provide a followup report for each incident,  
10    including the type of incident, whether the incident involved an  
11    alleged violation of any crime described in Section 602 of the  
12    Welfare and Institutions Code by a child residing in the facility;  
13    whether staff, children, or both were involved; the gender, race,  
14    ethnicity, and age of children involved; and the outcomes, including  
15    arrests, removals of children from placement, or termination or  
16    suspension of staff.

17    (b) (1) If the department determines that, based on the licensed  
18    capacity, a facility has reported, pursuant to subdivision (a), a  
19    greater than average number of law enforcement contacts involving  
20    an alleged violation of any crime described in Section 602 of the  
21    Welfare and Institutions Code by a child residing in the facility,  
22    the department shall inspect the facility at least once a year.

23    (2) An inspection conducted pursuant to paragraph (1) does not  
24    constitute an unannounced inspection required pursuant to Section  
25    1534.

26    (c) If an inspection is required pursuant to subdivision (b), the  
27    Community Care Licensing Division shall provide the report to  
28    the department's Children and Family Services Division and to  
29    any other public agency that has certified the facility's program  
30    or any component of the facility's program including, but not  
31    limited to, the State Department of Health Care Services, which  
32    certifies group homes *or short-term residential treatment centers*  
33    pursuant to Section 4096.5 of the Welfare and Institutions Code.

34    *SEC. 29. Section 1548 of the Health and Safety Code, as added*  
35    *by Section 2 of Chapter 813 of the Statutes of 2014, is amended*  
36    *to read:*

37    1548. (a) In addition to the suspension, temporary suspension,  
38    or revocation of a license issued under this chapter, the department  
39    may levy a civil penalty.

1 (b) The amount of the civil penalty shall not be less than  
2 twenty-five dollars (\$25) or more than fifty dollars (\$50) per day  
3 for each violation of this chapter except where the nature or  
4 seriousness of the violation or the frequency of the violation  
5 warrants a higher penalty or an immediate civil penalty assessment,  
6 or both, as determined by the department. In no event, shall a civil  
7 penalty assessment exceed one hundred fifty dollars (\$150) per  
8 day per violation.

9 (c) Notwithstanding Section 1534, the department shall assess  
10 an immediate civil penalty of one hundred fifty dollars (\$150) per  
11 day per violation for any of the following serious violations:

12 (1) (A) Fire clearance violations, including, but not limited to,  
13 overcapacity, ambulatory status, inoperable smoke alarms, and  
14 inoperable fire alarm systems. The civil penalty shall not be  
15 assessed if the licensee has done either of the following:

16 (i) Requested the appropriate fire clearance based on ambulatory,  
17 nonambulatory, or bedridden status, and the decision is pending.

18 (ii) Initiated eviction proceedings.

19 (B) A licensee denied a clearance for bedridden residents may  
20 appeal to the fire authority, and, if that appeal is denied, may  
21 subsequently appeal to the Office of the State Fire Marshal, and  
22 shall not be assessed an immediate civil penalty until the final  
23 appeal is decided, or after 60 days has passed from the date of the  
24 citation, whichever is earlier.

25 (2) Absence of supervision, as required by statute or regulation.

26 (3) Accessible bodies of water when prohibited in this chapter  
27 or regulations adopted pursuant to this chapter.

28 (4) Accessible firearms, ammunition, or both.

29 (5) Refused entry to a facility or any part of a facility in violation  
30 of Section 1533, 1534, or 1538.

31 (6) The presence of an excluded person on the premises.

32 (d) (1) For a violation that the department determines resulted  
33 in the death of a resident at an adult residential facility, social  
34 rehabilitation facility, enhanced behavioral supports home, or  
35 community crisis home, the civil penalty shall be fifteen thousand  
36 dollars (\$15,000).

37 (2) For a violation that the department determines resulted in  
38 the death of a person receiving care at an adult day program, the  
39 civil penalty shall be assessed as follows:

1 (A) Seven thousand five hundred dollars (\$7,500) for a licensee  
2 licensed, among all of the licensee's facilities, to care for 50 or  
3 less persons.

4 (B) Ten thousand dollars (\$10,000) for a licensee licensed,  
5 among all of the licensee's facilities, to care for more than 50  
6 persons.

7 (3) For a violation that the department determines resulted in  
8 the death of a person receiving care at a therapeutic day services  
9 facility, foster family agency, community treatment facility,  
10 full-service adoption agency, noncustodial adoption agency,  
11 transitional shelter care facility, transitional housing placement  
12 provider, ~~or~~ group home, *or short-term residential treatment center*,  
13 the civil penalty shall be assessed as follows:

14 (A) Seven thousand five hundred dollars (\$7,500) for a licensee  
15 licensed, among all of the licensee's facilities, to care for 40 or  
16 less children.

17 (B) Ten thousand dollars (\$10,000) for a licensee licensed,  
18 among all of the licensee's facilities, to care for 41 to 100,  
19 inclusive, children.

20 (C) Fifteen thousand dollars (\$15,000) for a licensee licensed,  
21 among all of the licensee's facilities, to care for more than 100  
22 children.

23 (4) For a violation that the department determines resulted in  
24 the death of a resident at a runaway and homeless youth shelter,  
25 the civil penalty shall be five thousand dollars (\$5,000).

26 (e) (1) (A) For a violation that the department determines  
27 constitutes physical abuse, as defined in Section 15610.63 of the  
28 Welfare and Institutions Code, or resulted in serious bodily injury,  
29 as defined in Section 243 of the Penal Code, to a resident at an  
30 adult residential facility, social rehabilitation facility, enhanced  
31 behavioral supports home, or community crisis home, the civil  
32 penalty shall be ten thousand dollars (\$10,000).

33 (B) For a violation that the department determines constitutes  
34 physical abuse, as defined in Section 15610.63 of the Welfare and  
35 Institutions Code, or resulted in serious bodily injury, as defined  
36 in Section 243 of the Penal Code, to a person receiving care at an  
37 adult day program, the civil penalty shall be assessed as follows:

38 (i) Two thousand five hundred dollars (\$2,500) for a licensee  
39 licensed, among all of the licensee's facilities, to care for 50 or  
40 less persons.

(ii) Five thousand dollars (\$5,000) for a licensee licensed, among all of the licensee's facilities, to care for more than 50 persons.

(C) For a violation that the department determines constitutes physical abuse, as defined in paragraph (2), or resulted in serious bodily injury, as defined in Section 243 of the Penal Code, to a person receiving care at a therapeutic day services facility, foster family agency, community treatment facility, full-service adoption agency, noncustodial adoption agency, transitional shelter care facility, transitional housing placement provider, ~~or~~ group home, *or short-term residential treatment center*, the civil penalty shall be assessed as follows:

(i) Two thousand five hundred dollars (\$2,500) for a licensee licensed, among all of the licensee's facilities, to care for 40 or less children.

(ii) Five thousand dollars (\$5,000) for a licensee licensed, among all of the licensee's facilities, to care for 41 to 100, inclusive, children.

(iii) Ten thousand dollars (\$10,000) for a licensee licensed, among all of the licensee's facilities, to care for more than 100 children.

(D) For a violation that the department determines constitutes physical abuse, as defined in paragraph (2), or resulted in serious bodily injury, as defined in Section 243 of the Penal Code, to a resident at a runaway and homeless youth shelter, the civil penalty shall be one thousand dollars (\$1,000).

(2) For purposes of subparagraphs (C) and (D), "physical abuse" includes physical injury inflicted upon a child by another person by other than accidental means, sexual abuse as defined in Section 11165.1 of the Penal Code, neglect as defined in Section 11165.2 of the Penal Code, or unlawful corporal punishment or injury as defined in Section 11165.4 of the Penal Code when the person responsible for the child's welfare is a licensee, administrator, or employee of any facility licensed to care for children.

(f) Prior to the issuance of a citation imposing a civil penalty pursuant to subdivision (d) or (e), the decision shall be approved by the director.

(g) Notwithstanding Section 1534, any facility that is cited for repeating the same violation of this chapter within 12 months of the first violation is subject to an immediate civil penalty of one

1 hundred fifty dollars (\$150) and fifty dollars (\$50) for each day  
2 the violation continues until the deficiency is corrected.

3 (h) Any facility that is assessed a civil penalty pursuant to  
4 subdivision (g) that repeats the same violation of this chapter within  
5 12 months of the violation subject to subdivision (g) is subject to  
6 an immediate civil penalty of one hundred fifty dollars (\$150) for  
7 each day the violation continues until the deficiency is corrected.

8 (i) (1) The department shall adopt regulations setting forth the  
9 appeal procedures for deficiencies.

10 (2) A licensee shall have the right to submit to the department  
11 a written request for a formal review of a civil penalty assessed  
12 pursuant to subdivisions (d) and (e) within 10 days of receipt of  
13 the notice of a civil penalty assessment and shall provide all  
14 supporting documentation at that time. The review shall be  
15 conducted by a regional manager of the Community Care Licensing  
16 Division. If the regional manager determines that the civil penalty  
17 was not assessed in accordance with applicable statutes or  
18 regulations of the department, he or she may amend or dismiss the  
19 civil penalty. The licensee shall be notified in writing of the  
20 regional manager's decision within 60 days of the request to review  
21 the assessment of the civil penalty.

22 (3) The licensee may further appeal to the program administrator  
23 of the Community Care Licensing Division within 10 days of  
24 receipt of the notice of the regional manager's decision and shall  
25 provide all supporting documentation at that time. If the program  
26 administrator determines that the civil penalty was not assessed  
27 in accordance with applicable statutes or regulations of the  
28 department, he or she may amend or dismiss the civil penalty. The  
29 licensee shall be notified in writing of the program administrator's  
30 decision within 60 days of the request to review the regional  
31 manager's decision.

32 (4) The licensee may further appeal to the deputy director of  
33 the Community Care Licensing Division within 10 days of receipt  
34 of the notice of the program director's decision and shall provide  
35 all supporting documentation at that time. If the deputy director  
36 determines that the civil penalty was not assessed in accordance  
37 with applicable statutes or regulations of the department, he or she  
38 may amend or dismiss the civil penalty. The licensee shall be  
39 notified in writing of the deputy director's decision within 60 days  
40 of the request to review the program administrator's decision.



(5) Upon exhausting the deputy director review, a licensee may appeal a civil penalty assessed pursuant to subdivision (d) or (e) to an administrative law judge. Proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted by those provisions. In all proceedings conducted in accordance with this section, the standard of proof shall be by a preponderance of the evidence.

(6) If, in addition to an assessment of civil penalties, the department elects to file an administrative action to suspend or revoke the facility license that includes violations relating to the assessment of the civil penalties, the department review of the pending appeal shall cease and the assessment of the civil penalties shall be heard as part of the administrative action process.

(j) The department shall adopt regulations implementing this section.

(k) The department shall, by January 1, 2016, amend its regulations to reflect the changes to this section made by the act that added this subdivision.

(l) As provided in Section 11466.31 of the Welfare and Institutions Code, the department may offset civil penalties owed by a group home *or short-term residential treatment center* against moneys to be paid by a county for the care of minors after the group home *or short-term residential treatment center* has exhausted its appeal of the civil penalty assessment. The department shall provide the group home *or short-term residential treatment center* a reasonable opportunity to pay the civil penalty before instituting the offset provision.

(m) This section shall become operative on July 1, 2015.

SEC. 30. *Section 1562 of the Health and Safety Code is amended to read:*

1562. (a) ~~The director~~ *department* shall ensure that operators and staffs of community care facilities have appropriate training to provide the care and services for which a license or certificate is issued. The section shall not apply to a facility licensed as an Adult Residential Facility for Persons with Special Health Care Needs pursuant to Article 9 (commencing with Section 1567.50).

(b) It is the intent of the Legislature that children in foster care reside in the least restrictive, family-based settings that can meet their needs, and that group homes *and short-term residential*

1 *treatment centers* will be used only for short-term, specialized,  
2 and intensive treatment purposes that are consistent with a case  
3 plan that is determined by a child's best interests. Accordingly,  
4 the Legislature encourages the department to adopt policies,  
5 practices, and guidance that ensure that the education, qualification,  
6 and training requirements for child care staff in group homes *and*  
7 *short-term residential treatment centers* are consistent with the  
8 intended role of group homes *and short-term residential treatment*  
9 *centers* to provide short-term, specialized, and intensive treatment,  
10 with a particular focus on crisis intervention, behavioral  
11 stabilization, and other treatment-related goals, as well as the  
12 connections between those efforts and work toward permanency  
13 for children.

14 (c) (1) ~~On and after October 1, 2014, each~~ *Each* person  
15 employed as a facility manager or staff member of a group home  
16 *or short-term residential treatment center*, as defined in ~~paragraph~~  
17 *paragraphs (13) and (18)* of subdivision (a) of Section 1502, who  
18 provides direct care and supervision to children and youth residing  
19 in the group home *or short-term residential treatment center* shall  
20 be at least 21 years of age.

21 (2) Paragraph (1) shall not apply to a facility manager or staff  
22 member employed at the group home before October 1, 2014.

23 (3) For purposes of this subdivision, "group home" does not  
24 include a runaway and homeless youth shelter.

25 *SEC. 31. Section 1562.01 is added to the Health and Safety*  
26 *Code, to read:*

27 *1562.01. (a) (1) Commencing January 1, 2017, the department*  
28 *shall license short-term residential treatment centers, as defined*  
29 *in paragraph (18) of subdivision (a) of Section 1502, pursuant to*  
30 *this chapter. The department may license a facility as a short-term*  
31 *residential treatment center prior to January 1, 2017. A short-term*  
32 *residential treatment center shall comply with all requirements of*  
33 *this chapter that are applicable to group homes and to the*  
34 *requirements of this section.*

35 (2) (A) *A short-term residential treatment center shall prepare*  
36 *and maintain a current, written plan of operation as required by*  
37 *the department.*

38 (B) *The plan of operation shall include, but not be limited to,*  
39 *all of the following:*

1     (i) *Description of the short-term residential treatment center's*  
2 *ability to support the differing needs of children and their families*  
3 *with short-term, specialized, and intensive treatment.*

4     (ii) *Description of the core services, as set forth in paragraph*  
5 *(1) of subdivision (b) of Section 11462 of the Welfare and*  
6 *Institutions Code, to be offered to children and their families, as*  
7 *appropriate or necessary.*

8     (iii) *Any other information that may be prescribed by the*  
9 *department for the proper administration of this section.*

10    (b) *In addition to the rules and regulations adopted pursuant*  
11 *to this chapter, a county licensed to operate a short-term*  
12 *residential treatment center shall describe, in the plan of operation,*  
13 *its conflict of interest mitigation plan, as set forth in subdivision*  
14 *(g) of Section 11462.02 of the Welfare and Institutions Code.*

15    (c) (1) *The department shall establish requirements for the*  
16 *education, qualification, and training of facility managers and*  
17 *child care staff in short-term residential treatment centers*  
18 *consistent with the intended role of these facilities to provide*  
19 *short-term, specialized, and intensive treatment.*

20    (2) *Requirements shall include, but not be limited to, all of the*  
21 *following:*

22    (A) *Staff classifications.*

23    (B) *Specification of the date by which employees shall be*  
24 *required to meet the education, qualification, and training*  
25 *requirements.*

26    (C) *Any other requirements that may be prescribed by the*  
27 *department for the proper administration of this section.*

28    (d) *Notwithstanding any other section of this chapter, the*  
29 *department shall establish requirements for licensed group homes*  
30 *that are transitioning to short-term residential treatment centers,*  
31 *which may include, but not be limited to, requirements related to*  
32 *application and plan of operation.*

33    (e) *The department shall have the authority to inspect a*  
34 *short-term residential treatment center pursuant to subdivision*  
35 *(c) of Section 11462 of the Welfare and Institutions Code.*

36    SEC. 32. *Section 1562.35 of the Health and Safety Code is*  
37 *amended to read:*

38    1562.35. *Notwithstanding any provision of law to the contrary,*  
39 *including, but not limited to Section 1562.3, vendors approved by*  
40 *the department who exclusively provide either initial or continuing*

1 education courses for certification of administrators of an adult  
2 residential facility as defined by ~~regulations of the department~~, a  
3 group home facility as defined by ~~regulations of the department~~,  
4 *a short-term residential treatment center as defined by the*  
5 *department*, or a residential care facility for the elderly as defined  
6 in subdivision (k) of Section 1569.2, shall be regulated solely by  
7 the department pursuant to this chapter. No other state or local  
8 governmental entity shall be responsible for regulating the activity  
9 of those vendors.

10 *SEC. 33. Section 1563 of the Health and Safety Code is*  
11 *amended to read:*

12 1563. (a) ~~The director~~ *department* shall ensure that licensing  
13 personnel at the department have appropriate training to properly  
14 carry out this chapter.

15 (b) ~~The director~~ *department* shall institute a staff development  
16 and training program to develop among departmental staff the  
17 knowledge and understanding necessary to successfully carry out  
18 this chapter. Specifically, the program shall do all of the following:

19 (1) Provide staff with 36 hours of training per year that reflects  
20 the needs of persons served by community care facilities. This  
21 training shall, where appropriate, include specialized instruction  
22 in the needs of foster children, persons with mental disorders, or  
23 developmental or physical disabilities, or other groups served by  
24 specialized community care facilities.

25 (2) Give priority to applications for employment from persons  
26 with experience as care providers to persons served by community  
27 care facilities.

28 (3) Provide new staff with comprehensive training within the  
29 first six months of employment. This comprehensive training shall,  
30 at a minimum, include the following core areas: administrative  
31 action process, client populations, conducting facility visits, cultural  
32 awareness, documentation skills, facility operations, human relation  
33 skills, interviewing techniques, investigation processes, and  
34 regulation administration.

35 (c) In addition to the requirements in subdivision (b), group  
36 home, *short-term residential treatment center*, and foster family  
37 agency licensing personnel shall receive a minimum of 24 hours  
38 of training per year to increase their understanding of children in  
39 group homes, *short-term residential treatment centers*, certified

1 homes, and foster family homes. The training shall cover, but not  
2 be limited to, all of the following topics:

3 (1) The types and characteristics of emotionally troubled  
4 children.

5 (2) The high-risk behaviors they exhibit.

6 (3) The biological, psychological, interpersonal, and social  
7 contributors to these behaviors.

8 (4) The range of management and treatment interventions  
9 utilized for these children, including, but not limited to, nonviolent,  
10 emergency intervention techniques.

11 (5) The right of a foster child to have fair and equal access to  
12 all available services, placement, care, treatment, and benefits, and  
13 to not be subjected to discrimination or harassment on the basis  
14 of actual or perceived race, ethnic group identification, ancestry,  
15 national origin, color, religion, sex, sexual orientation, gender  
16 identity, mental or physical disability, or HIV status.

17 *SEC. 34. Section 1567.4 of the Health and Safety Code is*  
18 *amended to read:*

19 1567.4. The State Department of Social Services shall provide,  
20 at cost, quarterly to each county and to each city, upon the request  
21 of the county or city, and to the chief probation officer of each  
22 county and city and county, a roster of all community care facilities  
23 licensed as small family homes, *short-term residential treatment*  
24 *centers*, or group homes located in the county, which provide  
25 services to wards of the juvenile court, including information as  
26 to whether each facility is licensed by the state or the county, the  
27 type of facility, and the licensed bed capacity of each such facility.  
28 Information concerning the facility shall be limited to that available  
29 through the computer system of the State Department of Social  
30 Services.

31 *SEC. 35. Section 11105.2 of the Penal Code is amended to*  
32 *read:*

33 11105.2. (a) The Department of Justice may provide  
34 subsequent state or federal arrest or disposition notification to any  
35 entity authorized by state or federal law to receive state or federal  
36 summary criminal history information to assist in fulfilling  
37 employment, licensing, certification duties, or the duties of  
38 approving relative caregivers~~and~~, nonrelative extended family  
39 members, *and resource families* upon the arrest or disposition of  
40 any person whose fingerprints are maintained on file at the

1 Department of Justice or the Federal Bureau of Investigation as  
2 the result of an application for licensing, employment, certification,  
3 or approval. Nothing in this section shall authorize the notification  
4 of a subsequent disposition pertaining to a disposition that does  
5 not result in a conviction, unless the department has previously  
6 received notification of the arrest and has previously lawfully  
7 notified a receiving entity of the pending status of that arrest. When  
8 the department supplies subsequent arrest or disposition notification  
9 to a receiving entity, the entity shall, at the same time, expeditiously  
10 furnish a copy of the information to the person to whom it relates  
11 if the information is a basis for an adverse employment, licensing,  
12 or certification decision. When furnished other than in person, the  
13 copy shall be delivered to the last contact information provided  
14 by the applicant.

15 (b) For purposes of this section, “approval” means those duties  
16 described in subdivision (d) of Section 309 of the Welfare and  
17 Institutions Code for approving the home of a relative caregiver  
18 or of a nonrelative extended family member for placement of a  
19 child supervised by the juvenile court, *and those duties in Section*  
20 *16519.5 of the Welfare and Institutions Code for resource families.*

21 (c) Any entity, other than a law enforcement agency employing  
22 peace officers as defined in Section 830.1, subdivisions (a) and  
23 (e) of Section 830.2, subdivision (a) of Section 830.3, subdivisions  
24 (a) and (b) of Section 830.5, and subdivision (a) of Section 830.31,  
25 shall enter into a contract with the Department of Justice in order  
26 to receive notification of subsequent state or federal arrests or  
27 dispositions for licensing, employment, or certification purposes.

28 (d) Any entity ~~which~~ *that* submits the fingerprints of applicants  
29 for licensing, employment, certification, or approval to the  
30 Department of Justice for the purpose of establishing a record of  
31 the applicant to receive notification of subsequent state or federal  
32 arrests or dispositions shall immediately notify the department  
33 when the employment of the applicant is terminated, when the  
34 applicant’s license or certificate is revoked, when the applicant  
35 may no longer renew or reinstate the license or certificate, or when  
36 a relative caregiver’s or nonrelative extended family member’s  
37 approval is terminated. The Department of Justice shall terminate  
38 state or federal subsequent notification on any applicant upon the  
39 request of the licensing, employment, certifying, or approving  
40 authority.

1 (e) Any entity ~~receiving~~ *that receives* a notification of a state  
2 or federal subsequent arrest or disposition for a person unknown  
3 to the entity, or for a person no longer employed by the entity, or  
4 no longer eligible to renew the certificate or license for which  
5 subsequent notification service was established shall immediately  
6 return the subsequent notification to the Department of Justice,  
7 informing the department that the entity is no longer interested in  
8 the applicant. The entity shall not record or otherwise retain any  
9 information received as a result of the subsequent notice.

10 (f) Any entity that submits the fingerprints of an applicant for  
11 employment, licensing, certification, or approval to the Department  
12 of Justice for the purpose of establishing a record at the department  
13 or the Federal Bureau of Investigation to receive notification of  
14 subsequent arrest or disposition shall immediately notify the  
15 department if the applicant is not subsequently employed, or if the  
16 applicant is denied licensing certification, or approval.

17 (g) An entity that fails to provide the Department of Justice with  
18 notification as set forth in subdivisions (c), (d), and (e) may be  
19 denied further subsequent notification service.

20 (h) Notwithstanding subdivisions (c), (d), and (f), subsequent  
21 notification by the Department of Justice and retention by the  
22 employing agency shall continue as to retired peace officers listed  
23 in subdivision (c) of Section 830.5.

24 *SEC. 36. Section 11105.3 of the Penal Code is amended to*  
25 *read:*

26 11105.3. (a) Notwithstanding any other law, a human resource  
27 agency or an employer may request from the Department of Justice  
28 records of all convictions or any arrest pending adjudication  
29 involving the offenses specified in subdivision (a) of Section 15660  
30 of the Welfare and Institutions Code of a person who applies for  
31 a license, employment, or volunteer position, in which he or she  
32 would have supervisory or disciplinary power over a minor or any  
33 person under his or her care. The department shall furnish the  
34 information to the requesting employer and shall also send a copy  
35 of the information to the applicant.

36 (b) Any request for records under subdivision (a) shall include  
37 the applicant's fingerprints, which may be taken by the requester,  
38 and any other data specified by the department. The request shall  
39 be on a form approved by the department, and the department may  
40 charge a fee to be paid by the employer, human resource agency,

1 or applicant for the actual cost of processing the request. However,  
2 no fee shall be charged to a nonprofit organization. Requests  
3 received by the department for federal level criminal offender  
4 record information shall be forwarded to the Federal Bureau of  
5 Investigation by the department to be searched for any record of  
6 arrests or convictions.

7 (c) (1) ~~Where~~ When a request pursuant to this section reveals  
8 that a prospective employee or volunteer has been convicted of a  
9 violation or attempted violation of Section 220, 261.5, 262, 273a,  
10 273d, or 273.5, or any sex offense listed in Section 290, except  
11 for the offense specified in subdivision (d) of Section 243.4, and  
12 where the agency or employer hires the prospective employee or  
13 volunteer, the agency or employer shall notify the parents or  
14 guardians of any minor who will be supervised or disciplined by  
15 the employee or volunteer. A conviction for a violation or  
16 attempted violation of an offense committed outside the State of  
17 California shall be included in this notice if the offense would have  
18 been a crime specified in this subdivision if committed in  
19 California. The notice shall be given to the parents or guardians  
20 with whom the child resides, and shall be given at least 10 days  
21 prior to the day that the employee or volunteer begins his or her  
22 duties or tasks. Notwithstanding any other ~~provision of law~~, any  
23 person who conveys or receives information in good faith and in  
24 conformity with this section is exempt from prosecution under  
25 Section 11142 or 11143 for that conveying or receiving of  
26 information. Notwithstanding subdivision (d), the notification  
27 requirements of this subdivision shall apply as an additional  
28 requirement of any other provision of law requiring criminal record  
29 access or dissemination of criminal history information.

30 (2) The notification requirement pursuant to paragraph (1) shall  
31 not apply to a misdemeanor conviction for violating Section 261.5  
32 or to a conviction for violating Section 262 or 273.5. Nothing in  
33 this paragraph shall preclude an employer from requesting records  
34 of convictions for violating Section 261.5, 262, or 273.5 from the  
35 Department of Justice pursuant to this section.

36 (d) Nothing in this section supersedes any law requiring criminal  
37 record access or dissemination of criminal history information. In  
38 any conflict with another statute, dissemination of criminal history  
39 information shall be pursuant to the mandatory statute. This  
40 subdivision applies to, but is not limited to, requirements pursuant



1 to Article 1 (commencing with Section 1500) of Chapter 3 of, and  
2 Chapter 3.2 (commencing with Section 1569) and Chapter 3.4  
3 (commencing with Section 1596.70) of, Division 2 of, and Section  
4 1522 of, the Health and Safety Code, and Sections 8712, 8811,  
5 and 8908 of the Family Code, *and Section 16519.5 of the Welfare*  
6 *and Institutions Code*.

7 (e) The department may adopt regulations to implement the  
8 provisions of this section as necessary.

9 (f) As used in this section, “employer” means any nonprofit  
10 corporation or other organization specified by the Attorney General  
11 which employs or uses the services of volunteers in positions in  
12 which the volunteer or employee has supervisory or disciplinary  
13 power over a child or children.

14 (g) As used in this section, “human resource agency” means a  
15 public or private entity, excluding any agency responsible for  
16 licensing of facilities pursuant to the California Community Care  
17 Facilities Act (Chapter 3 (commencing with Section 1500)), the  
18 California Residential Care Facilities for the Elderly Act (Chapter  
19 3.2 (commencing with Section 1569)), Chapter 3.01 (commencing  
20 with Section 1568.01), and the California Child Day Care Facilities  
21 Act (Chapter 3.4 (commencing with Section 1596.70)) of Division  
22 2 of the Health and Safety Code, responsible for determining the  
23 character and fitness of a person who is:

24 (1) Applying for a license, employment, or as a volunteer within  
25 the human services field that involves the care and security of  
26 children, the elderly, the handicapped, or the mentally impaired.

27 (2) Applying to be a volunteer who transports individuals  
28 impaired by drugs or alcohol.

29 (3) Applying to adopt a child or to be a foster parent.

30 (h) Except as provided in subdivision (c), any criminal history  
31 information obtained pursuant to this section is confidential and  
32 no recipient shall disclose its contents other than for the purpose  
33 for which it was acquired.

34 (i) As used in this subdivision, “community youth athletic  
35 program” means an employer having as its primary purpose the  
36 promotion or provision of athletic activities for youth under 18  
37 years of age.

38 (j) A community youth athletic program, as defined in  
39 subdivision (i), may request state and federal level criminal history  
40 information pursuant to subdivision (a) for a volunteer coach or

1 hired coach candidate. The director of the community youth athletic  
2 program shall be the custodian of records.

3 (k) The community youth athletic program may request from  
4 the Department of Justice subsequent arrest notification service,  
5 as provided in Section 11105.2, for a volunteer coach or a hired  
6 coach candidate.

7 (l) Compliance with this section does not remove or limit the  
8 liability of a mandated reporter pursuant to Section 11166.

9 *SEC. 37. Section 361.2 of the Welfare and Institutions Code*  
10 *is amended to read:*

11 361.2. (a) When a court orders removal of a child pursuant to  
12 Section 361, the court shall first determine whether there is a parent  
13 of the child, with whom the child was not residing at the time that  
14 the events or conditions arose that brought the child within the  
15 provisions of Section 300, who desires to assume custody of the  
16 child. If that parent requests custody, the court shall place the child  
17 with the parent unless it finds that placement with that parent would  
18 be detrimental to the safety, protection, or physical or emotional  
19 well-being of the child. The fact that the parent is enrolled in a  
20 certified substance abuse treatment facility that allows a dependent  
21 child to reside with his or her parent shall not be, for that reason  
22 alone, prima facie evidence that placement with that parent would  
23 be detrimental.

24 (b) If the court places the child with that parent it may do any  
25 of the following:

26 (1) Order that the parent become legal and physical custodian  
27 of the child. The court may also provide reasonable visitation by  
28 the noncustodial parent. The court shall then terminate its  
29 jurisdiction over the child. The custody order shall continue unless  
30 modified by a subsequent order of the superior court. The order  
31 of the juvenile court shall be filed in any domestic relation  
32 proceeding between the parents.

33 (2) Order that the parent assume custody subject to the  
34 jurisdiction of the juvenile court and require that a home visit be  
35 conducted within three months. In determining whether to take  
36 the action described in this paragraph, the court shall consider any  
37 concerns that have been raised by the child's current caregiver  
38 regarding the parent. After the social worker conducts the home  
39 visit and files his or her report with the court, the court may then  
40 take the action described in paragraph (1), (3), or this paragraph.

1 However, nothing in this paragraph shall be interpreted to imply  
2 that the court is required to take the action described in this  
3 paragraph as a prerequisite to the court taking the action described  
4 in either paragraph (1) or (3).

5 (3) Order that the parent assume custody subject to the  
6 supervision of the juvenile court. In that case the court may order  
7 that reunification services be provided to the parent or guardian  
8 from whom the child is being removed, or the court may order that  
9 services be provided solely to the parent who is assuming physical  
10 custody in order to allow that parent to retain later custody without  
11 court supervision, or that services be provided to both parents, in  
12 which case the court shall determine, at review hearings held  
13 pursuant to Section 366, which parent, if either, shall have custody  
14 of the child.

15 (c) The court shall make a finding either in writing or on the  
16 record of the basis for its determination under subdivisions (a) and  
17 (b).

18 (d) Part 6 (commencing with Section 7950) of Division 12 of  
19 the Family Code shall apply to the placement of a child pursuant  
20 to paragraphs (1) and (2) of subdivision (e).

21 (e) When the court orders removal pursuant to Section 361, the  
22 court shall order the care, custody, control, and conduct of the  
23 child to be under the supervision of the social worker who may  
24 place the child in any of the following:

25 (1) The home of a noncustodial parent as described in  
26 subdivision (a), regardless of the parent's immigration status.

27 (2) The approved home of a relative, regardless of the relative's  
28 immigration status.

29 (3) The approved home of a nonrelative extended family  
30 member as defined in Section 362.7.

31 (4) The approved home of a resource family as defined in  
32 Section 16519.5.

33 (5) A foster home in which the child has been placed before an  
34 interruption in foster care, if that placement is in the best interest  
35 of the child and space is available.

36 (6) A suitable licensed community care facility, except a  
37 runaway and homeless youth shelter licensed by the State  
38 Department of Social Services pursuant to Section 1502.35 of the  
39 Health and Safety Code.

(7) With a foster family agency to be placed in a suitable licensed foster family home or certified family home ~~which that~~ has been certified by the agency as meeting licensing standards.

(8) A home or facility in accordance with the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.).

(9) A child under six years of age ~~may~~ *shall not* be placed in a community care facility licensed as a group home for children, a short-term residential treatment center as defined in subdivision (ad) of Section 11400, or a temporary shelter care facility as defined in Section 1530.8 of the Health and Safety Code, ~~only except~~ under any of the following circumstances:

(A) (i) When a case plan indicates that placement is for purposes of providing short term, specialized, and intensive treatment to the child, the case plan specifies the need for, nature of, and anticipated duration of this treatment, pursuant to paragraph (2) of subdivision (c) of Section 16501.1, *the case plan includes transitioning the child to a less restrictive environment and the projected timeline by which the child will be transitioned to a less restrictive environment*, and the facility meets the applicable regulations adopted under Section 1530.8 of the Health and Safety Code and standards developed pursuant to Section 11467.1 of this code, and the deputy director or director of the county child welfare department or an assistant chief probation officer or chief probation officer of the county probation department has approved the case plan.

(ii) The short term, specialized, and intensive treatment period shall not exceed 120 days, unless the county has made progress toward or is actively working toward implementing the case plan that identifies the services or supports necessary to transition the child to a family setting, circumstances beyond the county's control have prevented the county from obtaining those services or supports within the timeline documented in the case plan, and the need for additional time pursuant to the case plan is documented by the caseworker and approved by a deputy director or director of the county child welfare department or an assistant chief probation officer or chief probation officer of the county probation department.

(iii) To the extent that placements pursuant to this paragraph are extended beyond an initial 120 days, the requirements of clauses (i) and (ii) shall apply to each extension. In addition, the

1 deputy director or director of the county child welfare department  
2 or an assistant chief probation officer or chief probation officer of  
3 the county probation department shall approve the continued  
4 placement no less frequently than every 60 days.

5 (B) When a case plan indicates that placement is for purposes  
6 of providing family reunification services. In addition, the facility  
7 offers family reunification services that meet the needs of the  
8 individual child and his or her family, permits parents to have  
9 reasonable access to their children 24 hours a day, encourages  
10 extensive parental involvement in meeting the daily needs of their  
11 children, and employs staff trained to provide family reunification  
12 services. In addition, one of the following conditions exists:

13 (i) The child's parent is also a ward of the court and resides in  
14 the facility.

15 (ii) The child's parent is participating in a treatment program  
16 affiliated with the facility and the child's placement in the facility  
17 facilitates the coordination and provision of reunification services.

18 (iii) Placement in the facility is the only alternative that permits  
19 the parent to have daily 24-hour access to the child in accordance  
20 with the case plan, to participate fully in meeting all of the daily  
21 needs of the child, including feeding and personal hygiene, and to  
22 have access to necessary reunification services.

23 (10) (A) A child who is 6 to 12 years of age, inclusive, may be  
24 placed in a community care facility licensed as a group home for  
25 children *or a short-term residential treatment center as defined in*  
26 *subdivision (ad) of Section 11400*, only when a case plan indicates  
27 that placement is for purposes of providing short term, specialized,  
28 and intensive treatment for the child, the case plan specifies the  
29 need for, nature of, and anticipated duration of this treatment,  
30 pursuant to paragraph (2) of subdivision (c) of Section 16501.1,  
31 *the case plan includes transitioning the child to a less restrictive*  
32 *environment and the projected timeline by which the child will be*  
33 *transitioned to a less restrictive environment*, and is approved by  
34 the deputy director or director of the county child welfare  
35 department or an assistant chief probation officer or chief probation  
36 officer of the county probation department.

37 (B) The short term, specialized, and intensive treatment period  
38 shall not exceed six months, unless the county has made progress  
39 or is actively working toward implementing the case plan that  
40 identifies the services or supports necessary to transition the child

1 to a family setting, circumstances beyond the county's control  
2 have prevented the county from obtaining those services or  
3 supports within the timeline documented in the case plan, and the  
4 need for additional time pursuant to the case plan is documented  
5 by the caseworker and approved by a deputy director or director  
6 of the county child welfare department or an assistant chief  
7 probation officer or chief probation officer of the county probation  
8 department.

9 (C) To the extent that placements pursuant to this paragraph are  
10 extended beyond an initial six months, the requirements of  
11 subparagraphs (A) and (B) shall apply to each extension. In  
12 addition, the deputy director or director of the county child welfare  
13 department or an assistant chief probation officer or chief probation  
14 officer of the county probation department shall approve the  
15 continued placement no less frequently than every 60 days.

16 *(11) A child may be placed into a community care facility*  
17 *licensed as a group home, or commencing January 1, 2017, a*  
18 *short-term residential treatment center as defined in subdivision*  
19 *(ad) of Section 11400, only when the case plan indicates that*  
20 *placement is for purposes of providing short-term, specialized,*  
21 *and intensive treatment for the child, the case plan specifies the*  
22 *need for, nature of, and anticipated duration of this treatment,*  
23 *pursuant to paragraph (2) of subdivision (c) of Section 16501.1,*  
24 *and the case plan includes transitioning the child to a less*  
25 *restrictive environment and the projected timeline by which the*  
26 *child will be transitioned to a less restrictive environment.*

27 ~~(11)~~

28 (12) Nothing in this subdivision shall be construed to allow a  
29 social worker to place any dependent child outside the United  
30 States, except as specified in subdivision (f).

31 (f) (1) A child under the supervision of a social worker pursuant  
32 to subdivision (e) shall not be placed outside the United States  
33 prior to a judicial finding that the placement is in the best interest  
34 of the child, except as required by federal law or treaty.

35 (2) The party or agency requesting placement of the child outside  
36 the United States shall carry the burden of proof and shall show,  
37 by clear and convincing evidence, that placement outside the  
38 United States is in the best interest of the child.

39 (3) In determining the best interest of the child, the court shall  
40 consider, but not be limited to, the following factors:

1 (A) Placement with a relative.

2 (B) Placement of siblings in the same home.

3 (C) Amount and nature of any contact between the child and  
4 the potential guardian or caretaker.

5 (D) Physical and medical needs of the dependent child.

6 (E) Psychological and emotional needs of the dependent child.

7 (F) Social, cultural, and educational needs of the dependent  
8 child.

9 (G) Specific desires of any dependent child who is 12 years of  
10 age or older.

11 (4) If the court finds that a placement outside the United States  
12 is, by clear and convincing evidence, in the best interest of the  
13 child, the court may issue an order authorizing the social worker  
14 to make a placement outside the United States. A child subject to  
15 this subdivision shall not leave the United States prior to the  
16 issuance of the order described in this paragraph.

17 (5) For purposes of this subdivision, “outside the United States”  
18 shall not include the lands of any federally recognized American  
19 Indian tribe or Alaskan Natives.

20 (6) This subdivision shall not apply to the placement of a  
21 dependent child with a parent pursuant to subdivision (a).

22 (g) (1) If the child is taken from the physical custody of the  
23 child’s parent or guardian and unless the child is placed with  
24 relatives, the child shall be placed in foster care in the county of  
25 residence of the child’s parent or guardian in order to facilitate  
26 reunification of the family.

27 (2) In the event that there are no appropriate placements  
28 available in the parent’s or guardian’s county of residence, a  
29 placement may be made in an appropriate place in another county,  
30 preferably a county located adjacent to the parent’s or guardian’s  
31 community of residence.

32 (3) Nothing in this section shall be interpreted as requiring  
33 multiple disruptions of the child’s placement corresponding to  
34 frequent changes of residence by the parent or guardian. In  
35 determining whether the child should be moved, the social worker  
36 shall take into consideration the potential harmful effects of  
37 disrupting the placement of the child and the parent’s or guardian’s  
38 reason for the move.

39 (4) When it has been determined that it is necessary for a child  
40 to be placed in a county other than the child’s parent’s or guardian’s

1 county of residence, the specific reason the out-of-county  
2 placement is necessary shall be documented in the child's case  
3 plan. If the reason the out-of-county placement is necessary is the  
4 lack of resources in the sending county to meet the specific needs  
5 of the child, those specific resource needs shall be documented in  
6 the case plan.

7 (5) When it has been determined that a child is to be placed out  
8 of county either in a group home or *a short-term residential*  
9 *treatment center*, or with a foster family agency for subsequent  
10 placement in a certified foster family home, and the sending county  
11 is to maintain responsibility for supervision and visitation of the  
12 child, the sending county shall develop a plan of supervision and  
13 visitation that specifies the supervision and visitation activities to  
14 be performed and specifies that the sending county is responsible  
15 for performing those activities. In addition to the plan of  
16 supervision and visitation, the sending county shall document  
17 information regarding any known or suspected dangerous behavior  
18 of the child that indicates the child may pose a safety concern in  
19 the receiving county. ~~Upon implementation of the Child Welfare~~  
20 ~~Services Case Management System, the~~ *The* plan of supervision  
21 and visitation, as well as information regarding any known or  
22 suspected dangerous behavior of the child, shall be made available  
23 to the receiving county upon placement of the child in the receiving  
24 county. If placement occurs on a weekend or holiday, the  
25 information shall be made available to the receiving county on or  
26 before the end of the next business day.

27 (6) When it has been determined that a child is to be placed out  
28 of county and the sending county plans that the receiving county  
29 shall be responsible for the supervision and visitation of the child,  
30 the sending county shall develop a formal agreement between the  
31 sending and receiving counties. The formal agreement shall specify  
32 the supervision and visitation to be provided the child, and shall  
33 specify that the receiving county is responsible for providing the  
34 supervision and visitation. The formal agreement shall be approved  
35 and signed by the sending and receiving counties prior to placement  
36 of the child in the receiving county. In addition, upon completion  
37 of the case plan, the sending county shall provide a copy of the  
38 completed case plan to the receiving county. The case plan shall  
39 include information regarding any known or suspected dangerous



1 behavior of the child that indicates the child may pose a safety  
2 concern to the receiving county.

3 (h) Whenever the social worker must change the placement of  
4 the child and is unable to find a suitable placement within the  
5 county and must place the child outside the county, the placement  
6 shall not be made until he or she has served written notice on the  
7 parent or guardian at least 14 days prior to the placement, unless  
8 the child's health or well-being is endangered by delaying the  
9 action or would be endangered if prior notice were given. The  
10 notice shall state the reasons which require placement outside the  
11 county. The parent or guardian may object to the placement not  
12 later than seven days after receipt of the notice and, upon objection,  
13 the court shall hold a hearing not later than five days after the  
14 objection and prior to the placement. The court shall order  
15 out-of-county placement if it finds that the child's particular needs  
16 require placement outside the county.

17 (i) ~~Where~~ *When* the court has ordered removal of the child from  
18 the physical custody of his or her parents pursuant to Section 361,  
19 the court shall consider whether the family ties and best interest  
20 of the child will be served by granting visitation rights to the child's  
21 grandparents. The court shall clearly specify those rights to the  
22 social worker.

23 (j) ~~Where~~ *When* the court has ordered removal of the child from  
24 the physical custody of his or her parents pursuant to Section 361,  
25 the court shall consider whether there are any siblings under the  
26 court's jurisdiction, or any nondependent siblings in the physical  
27 custody of a parent subject to the court's jurisdiction, the nature  
28 of the relationship between the child and his or her siblings, the  
29 appropriateness of developing or maintaining the sibling  
30 relationships pursuant to Section 16002, and the impact of the  
31 sibling relationships on the child's placement and planning for  
32 legal permanence.

33 (k) (1) An agency shall ensure placement of a child in a home  
34 that, to the fullest extent possible, best meets the day-to-day needs  
35 of the child. A home that best meets the day-to-day needs of the  
36 child shall satisfy all of the following criteria:

37 (A) The child's caregiver is able to meet the day-to-day health,  
38 safety, and well-being needs of the child.

1 (B) The child's caregiver is permitted to maintain the least  
2 restrictive and most family-like environment that serves the  
3 day-to-day needs of the child.

4 (C) The child is permitted to engage in reasonable,  
5 age-appropriate day-to-day activities that promote the most  
6 family-like environment for the foster child.

7 (2) The foster child's caregiver shall use a reasonable and  
8 prudent parent standard, as defined in paragraph (2) of subdivision  
9 (a) of Section 362.04, to determine day-to-day activities that are  
10 age appropriate to meet the needs of the child. Nothing in this  
11 section shall be construed to permit a child's caregiver to permit  
12 the child to engage in day-to-day activities that carry an  
13 unreasonable risk of harm, or subject the child to abuse or neglect.

14 *SEC. 38. Section 727.1 of the Welfare and Institutions Code*  
15 *is amended to read:*

16 727.1. (a) When the court orders the care, custody, and control  
17 of the minor to be under the supervision of the probation officer  
18 for foster care placement pursuant to subdivision (a) of Section  
19 727, the decision regarding choice of placement shall be based  
20 upon selection of a safe setting that is the least restrictive or most  
21 family like, and the most appropriate setting that is available and  
22 in close proximity to the parent's home, consistent with the  
23 selection of the environment best suited to meet the minor's special  
24 needs and best interests. The selection shall consider, in order of  
25 priority, placement with relatives, tribal members, and foster  
26 family, group care, and residential treatment pursuant to Section  
27 7950 of the Family Code.

28 (b) Unless otherwise authorized by law, the court may not order  
29 the placement of a minor who is adjudged a ward of the court on  
30 the basis that he or she is a person described by either Section 601  
31 or 602 in a private residential facility or program that provides  
32 24-hour supervision, outside of the state, unless the court finds, in  
33 its order of placement, that all of the following conditions are met:

34 (1) In-state facilities or programs have been determined to be  
35 unavailable or inadequate to meet the needs of the minor.

36 (2) The State Department of Social Services or its designee has  
37 performed initial and continuing inspection of the out-of-state  
38 residential facility or program and has either certified that the  
39 facility or program meets *the greater of* all licensure standards  
40 required of group homes *or of short-term residential treatment*

1 centers, operated in California or that the department has granted  
2 a waiver to a specific licensing standard upon a finding that there  
3 exists no adverse impact to health and safety, pursuant to  
4 subdivision (c) of Section 7911.1 of the Family Code.

5 (3) The requirements of Section 7911.1 of the Family Code are  
6 met.

7 (c) If, upon inspection, the probation officer of the county in  
8 which the minor is adjudged a ward of the court determines that  
9 the out-of-state facility or program is not in compliance with the  
10 standards required under paragraph (2) of subdivision (b) or has  
11 an adverse impact on the health and safety of the minor, the  
12 probation officer may temporarily remove the minor from the  
13 facility or program. The probation officer shall promptly inform  
14 the court of the minor's removal, and shall return the minor to the  
15 court for a hearing to review the suitability of continued out-of-state  
16 placement. The probation officer shall, within one business day  
17 of removing the minor, notify the State Department of Social  
18 Services' Compact Administrator, and, within five working days,  
19 submit a written report of the findings and actions taken.

20 (d) The court shall review each of these placements for  
21 compliance with the requirements of subdivision (b) at least once  
22 every six months.

23 (e) The county shall not be entitled to receive or expend any  
24 public funds for the placement of a minor in an out-of-state group  
25 home or short-term residential treatment center, unless the  
26 conditions of subdivisions (b) and (d) are met.

27 SEC. 39. Section 831 is added to the Welfare and Institutions  
28 Code, to read:

29 831. (a) (1) For purposes of this section, a "child and family  
30 team" means a supportive team that informs the process of  
31 placement and services to foster children and to children at risk  
32 of foster care placement. The child and family team is comprised  
33 of the child, the child's family, the caregiver, the placing agency  
34 caseworker, the child's tribe and Indian custodian if the child is  
35 Indian, and the county mental health representative. As  
36 appropriate, the child and family team also may include, but is  
37 not limited to, behavioral health representatives and other formal  
38 supports, such as educational professionals and representatives  
39 from other agencies providing services to the child and family. A  
40 child and family team also may include extended family and

1 *informal support persons, such as friends, coaches, faith-based*  
2 *connections, and tribes as identified by the child and family. For*  
3 *purposes of this definition, if placement into a short-term*  
4 *residential treatment center or a foster family agency that provides*  
5 *treatment services has occurred or is being considered, the mental*  
6 *health representative is required to be a licensed mental health*  
7 *professional.*

8 *(2) To promote more effective communication needed for the*  
9 *development of a plan to address the needs of the child and family,*  
10 *a person designated as a member of a child and family team*  
11 *pursuant to subdivision (a) of Section 16501 may receive and*  
12 *disclose relevant information and records, subject to the*  
13 *confidentiality provisions described in this section.*

14 *(3) Information exchanged among the team shall be received*  
15 *in confidence for the limited purpose of providing necessary*  
16 *services and supports to the child and family and shall not be*  
17 *further disclosed except to the juvenile court with jurisdiction over*  
18 *the child or as otherwise required by law.*

19 *(b) When a child and family have been identified as benefiting*  
20 *from the convening of a child and family team, the following shall*  
21 *occur:*

22 *(1) The parents or guardians and the child shall be informed*  
23 *of the nature of the team, the expected benefit of convening the*  
24 *team, and the expected outcome of the team.*

25 *(2) The parents or guardians and the child shall be informed*  
26 *that they may decline participation in the team.*

27 *(3) If the parents or guardians or the child agree to participate*  
28 *in the team, the proposed members of the team shall be identified.*  
29 *The parents or guardians and the child shall be permitted to*  
30 *identify nonprofessionals, such as relatives, nonrelative extended*  
31 *family members, and caregivers or former caregivers, to*  
32 *participate on the team.*

33 *(4) All team members shall be fully apprised of the*  
34 *confidentiality requirements of this subdivision prior to*  
35 *participation in the team meetings and shall sign a confidentiality*  
36 *agreement.*

37 *(c) (1) When a child and family team is convened, each*  
38 *participating parent, guardian, and child with legal power to*  
39 *consent shall be asked to sign an authorization to release*  
40 *information to team members. In the event that a child who is a*

1 *dependent of the juvenile court does not have the legal power to*  
2 *consent to the release of information, the court is authorized to*  
3 *consent on behalf of the child.*

4 *(2) Authorization to release information shall be in writing and*  
5 *shall comply with all other applicable state law governing release*  
6 *of medical, mental health, social service, and educational records,*  
7 *and that covers identified team members, including service*  
8 *providers, in order to permit the release of records to the team.*

9 *(A) Authorization for the release of medical records may be*  
10 *indicated on a separate form designated for that purpose.*

11 *(B) This authorization shall not include release of adoption*  
12 *records.*

13 *(3) All team members from whom an authorization to release*  
14 *information is required shall be informed of the right to refuse to*  
15 *sign, or to limit the scope of, the consent form.*

16 *(4) The knowing and informed consent to release information*  
17 *given pursuant to this section shall only be in force for the time*  
18 *that the child or family, or nonminor dependent, is participating*  
19 *in the child and family team.*

20 *(d) (1) Upon obtaining the authorization to release information*  
21 *as described in subdivision (c), relevant information and records*  
22 *may be shared with members of the team. If the team determines*  
23 *that the disclosure of information would present a reasonable risk*  
24 *of a significant adverse or detrimental effect on the minor's*  
25 *psychological or physical safety, the information shall not be*  
26 *released.*

27 *(2) To the extent the records were generated as a result of health*  
28 *care services to which the child has the power to consent under*  
29 *state law, release of these records may take place only after the*  
30 *team has received written authorization from the child to release*  
31 *the records.*

32 *(e) Before each team meeting, a facilitator shall explain both*  
33 *of the following to the team before information may be exchanged*  
34 *about a particular child or family:*

35 *(1) Information provided by the child or family may only be*  
36 *exchanged with team members with the express written consent*  
37 *of the family and the child or person with the legal right to consent*  
38 *on behalf of the child.*

39 *(2) Information discussed in the team meetings shall not be*  
40 *disclosed to anyone other than members of the team and juvenile*

1 court, unless otherwise required by law. Civil and criminal  
2 penalties may apply to the inappropriate disclosure of information  
3 held by the team.

4 (f) Every member of the child and family team who receives  
5 information or records on the child and family served by the team  
6 shall be under the same privacy and confidentiality obligations as  
7 the person disclosing or providing the information or records. The  
8 information or records obtained shall be maintained in a manner  
9 that ensures the maximum protection of privacy and confidentiality  
10 rights.

11 (g) This section shall not be construed to restrict guarantees of  
12 confidentiality provided under federal law.

13 (h) Information and records communicated or provided to the  
14 team, by all providers, programs, and agencies, as well as  
15 information and records created by the team in the course of  
16 serving a child and his or her family, shall be deemed private and  
17 confidential and shall be protected from discovery and disclosure  
18 by all applicable statutory and common law. Nothing in this section  
19 shall be construed to affect the authority of a health care provider  
20 to disclose medical information pursuant to paragraph (1) of  
21 subdivision (c) of Section 56.10 of the Civil Code.

22 (i) If the child welfare agency files or records, or any portions  
23 thereof, are privileged or confidential, pursuant to any other state  
24 law, except Section 827, or federal law or regulation, the  
25 requirements of that state law or federal law or regulation  
26 prohibiting or limiting release of the child welfare agency files or  
27 records, or any portions thereof, shall prevail.

28 (j) All discussions during team meetings are confidential unless  
29 disclosure is required by law. Notwithstanding any other law,  
30 testimony concerning any team meeting discussion is not admissible  
31 in any criminal or civil proceeding except as provided in paragraph  
32 (2) of subdivision (a).

33 (k) As used in this section, "privileged information" means any  
34 information subject to a privilege pursuant to Division 8  
35 (commencing with Section 900) of the Evidence Code. Disclosure  
36 of otherwise privileged information to team members shall not be  
37 construed to waive the privilege.

38 SEC. 40. Section 4094.2 of the Welfare and Institutions Code  
39 is amended to read:

1 4094.2. (a) For the purpose of establishing payment rates for  
2 community treatment facility programs, the private nonprofit  
3 agencies selected to operate these programs shall prepare a budget  
4 that covers the total costs of providing residential care and  
5 supervision and mental health services for their proposed programs.  
6 These costs shall include categories that are allowable under  
7 California's Foster Care program and existing programs for mental  
8 health services. They shall not include educational, nonmental  
9 health medical, and dental costs.

10 (b) Each agency operating a community treatment facility  
11 program shall negotiate a final budget with the local mental health  
12 department in the county in which its facility is located (the host  
13 county) and other local agencies, as appropriate. This budget  
14 agreement shall specify the types and level of care and services to  
15 be provided by the community treatment facility program and a  
16 payment rate that fully covers the costs included in the negotiated  
17 budget. All counties that place children in a community treatment  
18 facility program shall make payments using the budget agreement  
19 negotiated by the community treatment facility provider and the  
20 host county.

21 (c) A foster care rate shall be established for each community  
22 treatment facility program by the State Department of Social  
23 Services. ~~These~~

24 (1) *These* rates shall be established using the existing foster care  
25 ratesetting system for group homes, *or the rate for a short-term*  
26 *residential treatment center as defined in subdivision (ad) of*  
27 *Section 11400*, with modifications designed as necessary. It is  
28 anticipated that all community treatment facility programs will  
29 offer the level of care and services required to receive the highest  
30 foster care rate provided for under the current ~~group home~~  
31 ratesetting system.

32 (2) *Commencing January 1, 2018, the program shall have*  
33 *accreditation from a nationally recognized accrediting entity*  
34 *identified by the State Department of Social Services pursuant to*  
35 *the process described in paragraph (4) of subdivision (b) of Section*  
36 *11462.*

37 (d) For the 2001–02 fiscal year, the 2002–03 fiscal year, the  
38 2003–04 fiscal year, and the 2004–05 fiscal year, community  
39 treatment facility programs shall also be paid a community  
40 treatment facility supplemental rate of up to two thousand five

1 hundred dollars (\$2,500) per child per month on behalf of children  
2 eligible under the foster care program and children placed out of  
3 home pursuant to an individualized education program developed  
4 under Section 7572.5 of the Government Code. Subject to the  
5 availability of funds, the supplemental rate shall be shared by the  
6 state and the counties. Counties shall be responsible for paying a  
7 county share of cost equal to 60 percent of the community  
8 treatment rate for children placed by counties in community  
9 treatment facilities and the state shall be responsible for 40 percent  
10 of the community treatment facility supplemental rate. The  
11 community treatment facility supplemental rate is intended to  
12 supplement, and not to supplant, the payments for which children  
13 placed in community treatment facilities are eligible to receive  
14 under the foster care program and the existing programs for mental  
15 health services.

16 (e) For initial ratesetting purposes for community treatment  
17 facility funding, the cost of mental health services shall be  
18 determined by deducting the foster care rate and the community  
19 treatment facility supplemental rate from the total allowable cost  
20 of the community treatment facility program. Payments to certified  
21 providers for mental health services shall be based on eligible  
22 services provided to children who are Medi-Cal beneficiaries, up  
23 to the approved federal rate for these services.

24 (f) The State Department of Health Care Services shall provide  
25 the community treatment facility supplemental rates to the counties  
26 for advanced payment to the community treatment facility  
27 providers in the same manner as the regular foster care payment  
28 and within the same required payment time limits.

29 (g) In order to facilitate the study of the costs of community  
30 treatment facilities, licensed community treatment facilities shall  
31 provide all documents regarding facility operations, treatment, and  
32 placements requested by the department.

33 (h) It is the intent of the Legislature that the State Department  
34 of Health Care Services and the State Department of Social  
35 Services work to maximize federal financial participation in  
36 funding for children placed in community treatment facilities  
37 through funds available pursuant to Titles IV-E and XIX of the  
38 federal Social Security Act (Title 42 U.S.C. Sec. 670 et seq. and  
39 Sec. 1396 et seq.) and other appropriate federal programs.



1 (i) The State Department of Health Care Services and the State  
2 Department of Social Services may adopt emergency regulations  
3 necessary to implement joint protocols for the oversight of  
4 community treatment facilities, to modify existing licensing  
5 regulations governing reporting requirements and other procedural  
6 and administrative mandates to take into account the seriousness  
7 and frequency of behaviors that are likely to be exhibited by the  
8 seriously emotionally disturbed children placed in community  
9 treatment facility programs, to modify the existing foster care  
10 ratesetting regulations, and to pay the community treatment facility  
11 supplemental rate. The adoption of these regulations shall be  
12 deemed to be an emergency and necessary for the immediate  
13 preservation of the public peace, health and safety, and general  
14 welfare. The regulations shall become effective immediately upon  
15 filing with the Secretary of State. The regulations shall not remain  
16 in effect more than 180 days unless the adopting agency complies  
17 with all the provisions of Chapter 3.5 (commencing with Section  
18 11340) of Part 1 of Division 3 of Title 2 of the Government Code,  
19 as required by subdivision (e) of Section 11346.1 of the  
20 Government Code.

21 *SEC. 41. Section 4096 of the Welfare and Institutions Code is*  
22 *amended to read:*

23 4096. (a) (1) Interagency collaboration and children's program  
24 services shall be structured in a manner that will facilitate future  
25 implementation of the goals of the Children's Mental Health  
26 Services Act.

27 (2) Components shall be added to state-county performance  
28 contracts required in Section 5650 that provide for reports from  
29 counties on how this section is implemented.

30 (3) The department shall develop performance contract  
31 components required by paragraph (2).

32 (4) Performance contracts subject to this section shall document  
33 that the procedures to be implemented in compliance with this  
34 section have been approved by the county social services  
35 department and the county probation department.

36 (b) Funds specified in subdivision (a) of Section 17601 for  
37 services to wards of the court and dependent children of the court  
38 shall be allocated and distributed to counties based on the number  
39 of wards of the court and dependent children of the court in the  
40 county.

(c) A county may utilize funds allocated pursuant to subdivision (b) only if the county has an established and operational interagency placement committee, with a membership that includes at least the county placement agency and a licensed mental health professional from the county department of mental health. If necessary, the funds may be used for costs associated with establishing the interagency placement committee.

(d) Subsequent to the establishment of an interagency placement committee, funds allocated pursuant to subdivision (b) shall be used to provide services to wards of the court and dependent children of the court jointly identified by county mental health, social services, and probation departments as the highest priority. Every effort shall be made to match those funds with funds received pursuant to Title XIX of the federal Social Security Act, contained in Subchapter 19 (commencing with Section 1396) of Chapter 7 of Title 42 of the United States Code.

(e) (1) Each interagency placement committee shall establish procedures whereby a ward of the court or dependent child of the court, or a voluntarily placed child whose placement is funded by the Aid to Families with Dependent Children-Foster Care Program, who is to be placed or is currently placed in a group home program at a rate classification level 13 or rate classification level 14 as specified in Section 11462.01, is assessed as seriously emotionally disturbed, as defined in Section 5600.3 and Section 1502.4 of the Health and Safety Code.

(2) The assessment required by paragraph (1) shall also indicate that the child is in need of the care and services provided by that group home program.

(f) The interagency placement committee shall document the results of the assessment required by subdivision (e) and shall notify the appropriate group home provider and county placing agency, in writing, of those results within 10 days of the completion of the assessment.

(g) If the child's placement is not funded by the Aid to Families with Dependent Children-Foster Care Program, a licensed mental health professional, as defined in Sections 629 to 633, inclusive, of Title 9 of the California Code of Regulations, shall certify that the child is seriously emotionally disturbed, as defined in Section 5600.3 and Section 1502.4 of the Health and Safety Code.

1     (h) (1) This section shall become inoperative on January 1,  
2     2017, except that this section shall continue to apply, until January  
3     1, 2018, to a group home that has been granted an extension  
4     pursuant to the exception process described in subdivision (d) of  
5     Section 11462.04 or to a foster family home that has been granted  
6     an extension pursuant to the exception process described in  
7     subdivision (d) of Section 11463.1.

8     (2) This section shall remain in effect only until January 1, 2018,  
9     and as of that date is repealed, unless a later enacted statute, that  
10    is enacted before January 1, 2018, deletes or extends that date.

11    SEC. 42. Section 4096 is added to the Welfare and Institutions  
12    Code, to read:

13    4096. (a) (1) Interagency collaboration and children's  
14    program services shall be structured in a manner that will facilitate  
15    implementation of the goals of the Children's Mental Health  
16    Services Act.

17    (2) Components shall be added to state-county performance  
18    contracts required in Section 5650 that provide for reports from  
19    counties on how this section is implemented.

20    (3) The State Department of Health Care Services shall develop  
21    performance contract components required by paragraph (2).

22    (4) Performance contracts subject to this section shall document  
23    that the procedures to be implemented in compliance with this  
24    section have been approved by the county social services  
25    department and the county probation department.

26    (b) Funds specified in subdivision (a) of Section 17601 for  
27    services to wards of the court and dependent children of the court  
28    shall be allocated and distributed to counties based on the number  
29    of wards of the court and dependent children of the court in the  
30    county.

31    (c) A county may utilize funds allocated pursuant to subdivision  
32    (b) only if the county has an established and operational  
33    interagency placement with a membership that includes at least  
34    the county placement agency and a licensed mental health  
35    professional from the county department of mental health. If  
36    necessary, the funds may be used for costs associated with  
37    establishing the interagency placement committee.

38    (d) Funds allocated pursuant to subdivision (b) shall be used  
39    to provide services to wards of the court and dependent children  
40    of the court jointly identified by county mental health, social

1 services, and probation departments as the highest priority. Every  
2 effort shall be made to match those funds with funds received  
3 pursuant to Title XIX of the federal Social Security Act, contained  
4 in Subchapter 19 (commencing with Section 1396) of Chapter 7  
5 of Title 42 of the United States Code.

6 (e) (1) Each interagency placement committee shall establish  
7 procedures whereby a ward of the court or dependent child of the  
8 court, or a voluntarily placed child whose placement is funded by  
9 the Aid to Families with Dependent Children-Foster Care  
10 Program, who is to be placed or is currently placed in a short-term  
11 residential treatment center or foster family agency that provides  
12 treatment services, as specified in Section 11462.01, is assessed  
13 as seriously emotionally disturbed, as defined in Section 5600.3  
14 and Section 1502.4 of the Health and Safety Code.

15 (2) The assessment required by paragraph (1) shall also indicate  
16 that the child is in need of the care and services provided by a  
17 short-term residential center or foster family agency that provides  
18 treatment services.

19 (3) In lieu of an assessment by the interagency placement  
20 committee required under paragraph (1), a child and family team,  
21 as defined in Section 831, may utilize an assessment by a licensed  
22 mental health professional that was developed consistent with  
23 procedures established by the county under paragraph (1). Nothing  
24 in this paragraph shall prohibit the child and family team from  
25 considering an assessment provided by an interagency placement  
26 committee.

27 (f) The interagency placement committee or the child and family  
28 team, as appropriate, shall document the results of the assessment  
29 required by subdivision (e) and shall notify the appropriate  
30 provider in writing, of those results within 10 days of the  
31 completion of the assessment.

32 (g) If the child's placement is not funded by the Aid to Families  
33 with Dependent Children-Foster Care Program, a licensed mental  
34 health professional shall certify that the child is seriously  
35 emotionally disturbed, as defined in Section 5600.3 and Section  
36 1502.4 of the Health and Safety Code.

37 (h) This section shall become operative on January 1, 2017.

38 SEC. 43. Section 4096.5 of the Welfare and Institutions Code  
39 is amended to read:

1     4096.5. (a) The State Department of Health Care Services  
2 shall make a determination, within 45 days of receiving a request  
3 from a group home to be classified at RCL 13 or RCL 14 pursuant  
4 to Section 11462.01, to certify or deny certification that the group  
5 home program includes provisions for mental health treatment  
6 services that meet the needs of seriously emotionally disturbed  
7 children. The department shall issue each certification for a period  
8 of one year and shall specify the effective date the program met  
9 the certification requirements. A program may be recertified if the  
10 program continues to meet the criteria for certification.

11     (b) The State Department of Health Care Services shall, in  
12 consultation with the California Mental Health Directors  
13 Association and representatives of provider organizations, develop  
14 the criteria for the certification required by subdivision (a) by July  
15 1, 1992.

16     (c) (1) The State Department of Health Care Services may,  
17 upon the request of a county, delegate to that county the  
18 certification task.

19     (2) Any county to which the certification task is delegated  
20 pursuant to paragraph (1) shall use the criteria and format  
21 developed by the department.

22     (d) The State Department of Health Care Services or delegated  
23 county shall notify the State Department of Social Services  
24 Community Care Licensing Division immediately upon the  
25 termination of any certification issued in accordance with  
26 subdivision (a).

27     (e) Upon receipt of notification from the State Department of  
28 Social Services Community Care Licensing Division of any adverse  
29 licensing action taken after the finding of noncompliance during  
30 an inspection conducted pursuant to Section 1538.7 of the Health  
31 and Safety Code, the State Department of Health Care Services or  
32 the delegated county shall review the certification issued pursuant  
33 to this section.

34     (f) *(1) This section shall become inoperative on January 1,*  
35 *2017, except that this section shall continue to apply, until January*  
36 *1, 2018, to a group home that has been granted an extension*  
37 *pursuant to the exception process described in subdivision (d) of*  
38 *Section 11462.04 or to a foster family home that has been granted*  
39 *an extension pursuant to the exception process described in*  
40 *subdivision (d) of Section 11463.1.*

1     (2) *This section is repealed as of January 1, 2018, unless a later*  
2 *enacted statute, that is enacted before January 1, 2018, deletes or*  
3 *extends that date.*

4     SEC. 44. *Section 4096.5 is added to the Welfare and Institutions*  
5 *Code, to read:*

6     4096.5. (a) *All short-term residential treatment centers, and*  
7 *all foster family agencies that provide intensive treatment services*  
8 *as described in Section 11462.01, shall obtain and have in good*  
9 *standing a mental health certification issued by the State*  
10 *Department of Health Care Services or a county to which the*  
11 *department has delegated certification authority. This certification*  
12 *is a condition for receiving an Aid to Families with Dependent*  
13 *Children-Foster Care rate pursuant to Section 11462.015.*

14     (b) *The State Department of Health Care Services or a county*  
15 *to which the department has delegated certification authority shall*  
16 *certify or deny certification within 45 days of receiving a*  
17 *certification request. The State Department of Health Care Services*  
18 *or a county to which the department has delegated certification*  
19 *authority shall issue each certification for a period of one year*  
20 *and shall specify the effective date that the program met the*  
21 *program standards. Certified entities shall meet all program*  
22 *standards to be recertified.*

23     (c) *Pursuant to Section 11462.25, the State Department of*  
24 *Health Care Services shall promulgate regulations regarding*  
25 *program standards, oversight, enforcement, and due process for*  
26 *the mental health certification of short-term residential treatment*  
27 *centers and foster family agencies that provide intensive or*  
28 *therapeutic treatment services.*

29     (d) (1) *Except for certification of short-term residential*  
30 *treatment centers or foster family agencies operated by a county,*  
31 *the State Department of Health Care Services may, upon the*  
32 *request of a county, delegate to that county the certification of*  
33 *short-term residential treatment centers and foster family agencies*  
34 *within its borders.*

35     (2) *Any county to which certification is delegated pursuant to*  
36 *paragraph (1) shall be responsible for the oversight and*  
37 *enforcement of program standards and the provision of due process*  
38 *for certified entities.*

39     (e) *The State Department of Health Care Services or a county*  
40 *to which the department has delegated certification authority shall*

1 *notify the State Department of Social Services immediately upon*  
2 *the termination of any certification issued in accordance with*  
3 *subdivisions (a) and (b).*

4 *(f) The State Department of Social Services shall notify the State*  
5 *Department of Health Care Services or a county to which the*  
6 *department has delegated certification authority immediately upon*  
7 *the revocation of any license issued pursuant to Chapter 3*  
8 *(commencing with Section 1500) of Division 2 of the Health and*  
9 *Safety Code.*

10 *(g) This section shall become operative on January 1, 2017.*

11 *SEC. 45. Section 11400 of the Welfare and Institutions Code*  
12 *is amended to read:*

13 11400. For purposes of this article, the following definitions  
14 shall apply:

15 (a) "Aid to Families with Dependent Children-Foster Care  
16 (AFDC-FC)" means the aid provided on behalf of needy children  
17 in foster care under the terms of this division.

18 (b) "Case plan" means a written document that, at a minimum,  
19 specifies the type of home in which the child shall be placed, the  
20 safety of that home, and the appropriateness of that home to meet  
21 the child's needs. It shall also include the agency's plan for  
22 ensuring that the child receive proper care and protection in a safe  
23 environment, and shall set forth the appropriate services to be  
24 provided to the child, the child's family, and the foster parents, in  
25 order to meet the child's needs while in foster care, and to reunify  
26 the child with the child's family. In addition, the plan shall specify  
27 the services that will be provided or steps that will be taken to  
28 facilitate an alternate permanent plan if reunification is not possible.

29 (c) "Certified family home" means a family residence certified  
30 by a licensed foster family agency and issued a certificate of  
31 approval by that agency as meeting licensing standards, and used  
32 only by that foster family agency for placements.

33 (d) "Family home" means the family residence of a licensee in  
34 which 24-hour care and supervision are provided for children.

35 (e) "Small family home" means any residential facility, in the  
36 licensee's family residence, which provides 24-hour care for six  
37 or fewer foster children who have mental disorders or  
38 developmental or physical disabilities and who require special care  
39 and supervision as a result of their disabilities.

1 (f) “Foster care” means the 24-hour out-of-home care provided  
2 to children whose own families are unable or unwilling to care for  
3 them, and who are in need of temporary or long-term substitute  
4 parenting.

5 (g) “Foster family agency” means any individual or organization  
6 engaged in the recruiting, certifying, and training of, and providing  
7 professional support to, foster parents, or in finding homes or other  
8 places for placement of children for temporary or permanent care  
9 who require that level of care as an alternative to a group home.  
10 Private foster family agencies shall be organized and operated on  
11 a nonprofit basis.

12 (h) “Group home” means a nondetention privately operated  
13 residential home, organized and operated on a nonprofit basis only,  
14 of any capacity, or a nondetention licensed residential care home  
15 operated by the County of San Mateo with a capacity of up to 25  
16 beds, that accepts children in need of care and supervision in a  
17 group home, as defined by paragraph (13) of subdivision (a) of  
18 Section 1502 of the Health and Safety Code.

19 (i) “Periodic review” means review of a child’s status by the  
20 juvenile court or by an administrative review panel, that shall  
21 include a consideration of the safety of the child, a determination  
22 of the continuing need for placement in foster care, evaluation of  
23 the goals for the placement and the progress toward meeting these  
24 goals, and development of a target date for the child’s return home  
25 or establishment of alternative permanent placement.

26 (j) “Permanency planning hearing” means a hearing conducted  
27 by the juvenile court in which the child’s future status, including  
28 whether the child shall be returned home or another permanent  
29 plan shall be developed, is determined.

30 (k) “Placement and care” refers to the responsibility for the  
31 welfare of a child vested in an agency or organization by virtue of  
32 the agency or organization having (1) been delegated care, custody,  
33 and control of a child by the juvenile court, (2) taken responsibility,  
34 pursuant to a relinquishment or termination of parental rights on  
35 a child, (3) taken the responsibility of supervising a child detained  
36 by the juvenile court pursuant to Section 319 or 636, or (4) signed  
37 a voluntary placement agreement for the child’s placement; or to  
38 the responsibility designated to an individual by virtue of his or  
39 her being appointed the child’s legal guardian.



1 (l) “Preplacement preventive services” means services that are  
2 designed to help children remain with their families by preventing  
3 or eliminating the need for removal.

4 (m) “Relative” means an adult who is related to the child by  
5 blood, adoption, or affinity within the fifth degree of kinship,  
6 including stepparents, stepsiblings, and all relatives whose status  
7 is preceded by the words “great,” “great-great,” or “grand” or the  
8 spouse of any of these persons even if the marriage was terminated  
9 by death or dissolution.

10 (n) “Nonrelative extended family member” means an adult  
11 caregiver who has an established familial or mentoring relationship  
12 with the child, as described in Section 362.7.

13 (o) “Voluntary placement” means an out-of-home placement  
14 of a child by (1) the county welfare department, probation  
15 department, or Indian tribe that has entered into an agreement  
16 pursuant to Section 10553.1, after the parents or guardians have  
17 requested the assistance of the county welfare department and have  
18 signed a voluntary placement agreement; or (2) the county welfare  
19 department licensed public or private adoption agency, or the  
20 department acting as an adoption agency, after the parents have  
21 requested the assistance of either the county welfare department,  
22 the licensed public or private adoption agency, or the department  
23 acting as an adoption agency for the purpose of adoption planning,  
24 and have signed a voluntary placement agreement.

25 (p) “Voluntary placement agreement” means a written agreement  
26 between either the county welfare department, probation  
27 department, or Indian tribe that has entered into an agreement  
28 pursuant to Section 10553.1, licensed public or private adoption  
29 agency, or the department acting as an adoption agency, and the  
30 parents or guardians of a child that specifies, at a minimum, the  
31 following:

32 (1) The legal status of the child.

33 (2) The rights and obligations of the parents or guardians, the  
34 child, and the agency in which the child is placed.

35 (q) “Original placement date” means the most recent date on  
36 which the court detained a child and ordered an agency to be  
37 responsible for supervising the child or the date on which an agency  
38 assumed responsibility for a child due to termination of parental  
39 rights, relinquishment, or voluntary placement.

(r) (1) “Transitional housing placement provider” means an organization licensed by the State Department of Social Services pursuant to Section 1559.110 of the Health and Safety Code, to provide transitional housing to foster children at least 16 years of age and not more than 18 years of age, and nonminor dependents, as defined in subdivision (v). A transitional housing placement provider shall be privately operated and organized on a nonprofit basis.

(2) Prior to licensure, a provider shall obtain certification from the applicable county, in accordance with Section 16522.1.

(s) “Transitional Housing Program-Plus” means a provider certified by the applicable county, in accordance with subdivision (c) of Section 16522, to provide transitional housing services to former foster youth who have exited the foster care system on or after their 18th birthday.

(t) “Whole family foster home” means a new or existing family home, approved relative caregiver or nonrelative extended family member’s home, the home of a nonrelated legal guardian whose guardianship was established pursuant to Section 360 or 366.26, certified family home, or a host family home placement of a transitional housing placement provider, that provides foster care for a minor or nonminor dependent parent and his or her child, and is specifically recruited and trained to assist the minor or nonminor dependent parent in developing the skills necessary to provide a safe, stable, and permanent home for his or her child. The child of the minor or nonminor dependent parent need not be the subject of a petition filed pursuant to Section 300 to qualify for placement in a whole family foster home.

(u) “Mutual agreement” means any of the following:

(1) A written voluntary agreement of consent for continued placement and care in a supervised setting between a minor or, on and after January 1, 2012, a nonminor dependent, and the county welfare services or probation department or tribal agency responsible for the foster care placement, that documents the nonminor’s continued willingness to remain in supervised out-of-home placement under the placement and care of the responsible county, tribe, consortium of tribes, or tribal organization that has entered into an agreement with the state pursuant to Section 10553.1, remain under the jurisdiction of the juvenile court as a nonminor dependent, and report any change of

1 circumstances relevant to continued eligibility for foster care  
2 payments, and that documents the nonminor's and social worker's  
3 or probation officer's agreement to work together to facilitate  
4 implementation of the mutually developed supervised placement  
5 agreement and transitional independent living case plan.

6 (2) An agreement, as described in paragraph (1), between a  
7 nonminor former dependent or ward in receipt of Kin-GAP  
8 payments under Article 4.5 (commencing with Section 11360) or  
9 Article 4.7 (commencing with Section 11385), and the agency  
10 responsible for the Kin-GAP benefits, provided that the nonminor  
11 former dependent or ward satisfies the conditions described in  
12 Section 11403.01, or one or more of the conditions described in  
13 paragraphs (1) to (5), inclusive, of subdivision (b) of Section  
14 11403. For purposes of this paragraph and paragraph (3),  
15 "nonminor former dependent or ward" has the same meaning as  
16 described in subdivision (aa).

17 (3) An agreement, as described in paragraph (1), between a  
18 nonminor former dependent or ward in receipt of AFDC-FC  
19 payments under subdivision (e) or (f) of Section 11405 and the  
20 agency responsible for the AFDC-FC benefits, provided that the  
21 nonminor former dependent or ward described in subdivision (e)  
22 of Section 11405 satisfies one or more of the conditions described  
23 in paragraphs (1) to (5), inclusive, of subdivision (b) of Section  
24 11403, and the nonminor described in subdivision (f) of Section  
25 11405 satisfies the secondary school or equivalent training or  
26 certificate program conditions described in that subdivision.

27 (v) "Nonminor dependent" means, on and after January 1, 2012,  
28 a foster child, as described in Section 675(8)(B) of Title 42 of the  
29 United States Code under the federal Social Security Act who is  
30 a current dependent child or ward of the juvenile court, or who is  
31 a nonminor under the transition jurisdiction of the juvenile court,  
32 as described in Section 450, and who satisfies all of the following  
33 criteria:

34 (1) He or she has attained 18 years of age while under an order  
35 of foster care placement by the juvenile court, and is not more than  
36 19 years of age on or after January 1, 2012, not more than 20 years  
37 of age on or after January 1, 2013, or not more than 21 years of  
38 age on or after January 1, 2014, and as described in Section  
39 10103.5.

1 (2) He or she is in foster care under the placement and care  
2 responsibility of the county welfare department, county probation  
3 department, Indian tribe, consortium of tribes, or tribal organization  
4 that entered into an agreement pursuant to Section 10553.1.

5 (3) He or she has a transitional independent living case plan  
6 pursuant to Section 475(8) of the federal Social Security Act (42  
7 U.S.C. Sec. 675(8)), as contained in the federal Fostering  
8 Connections to Success and Increasing Adoptions Act of 2008  
9 (Public Law 110-351), as described in Section 11403.

10 (w) “Supervised independent living placement” means, on and  
11 after January 1, 2012, an independent supervised setting, as  
12 specified in a nonminor dependent’s transitional independent living  
13 case plan, in which the youth is living independently, pursuant to  
14 Section 472(c)(2) of the Social Security Act (42 U.S.C. Sec.  
15 672(c)(2)).

16 (x) “Supervised independent living setting,” pursuant to Section  
17 472(c)(2) of the federal Social Security Act (42 U.S.C. Sec.  
18 672(c)(2)), includes both a supervised independent living  
19 placement, as defined in subdivision (w), and a residential housing  
20 unit certified by the transitional housing placement provider  
21 operating a Transitional Housing Placement-Plus Foster Care  
22 program, as described in paragraph (2) of subdivision (a) of Section  
23 16522.1.

24 (y) “Transitional independent living case plan” means, on or  
25 after January 1, 2012, a child’s case plan submitted for the last  
26 review hearing held before he or she reaches 18 years of age or  
27 the nonminor dependent’s case plan, updated every six months,  
28 that describes the goals and objectives of how the nonminor will  
29 make progress in the transition to living independently and assume  
30 incremental responsibility for adult decisionmaking, the  
31 collaborative efforts between the nonminor and the social worker,  
32 probation officer, or Indian tribal placing entity and the supportive  
33 services as described in the transitional independent living plan  
34 (TILP) to ensure active and meaningful participation in one or  
35 more of the eligibility criteria described in paragraphs (1) to (5),  
36 inclusive, of subdivision (b) of Section 11403, the nonminor’s  
37 appropriate supervised placement setting, and the nonminor’s  
38 permanent plan for transition to living independently, which  
39 includes maintaining or obtaining permanent connections to caring

1 and committed adults, as set forth in paragraph (16) of subdivision  
2 (f) of Section 16501.1.

3 (z) “Voluntary reentry agreement” means a written voluntary  
4 agreement between a former dependent child or ward or a former  
5 nonminor dependent, who has had juvenile court jurisdiction  
6 terminated pursuant to Section 391, 452, or 607.2, and the county  
7 welfare or probation department or tribal placing entity that  
8 documents the nonminor’s desire and willingness to reenter foster  
9 care, to be placed in a supervised setting under the placement and  
10 care responsibility of the placing agency, the nonminor’s desire,  
11 willingness, and ability to immediately participate in one or more  
12 of the conditions of paragraphs (1) to (5), inclusive, of subdivision  
13 (b) of Section 11403, the nonminor’s agreement to work  
14 collaboratively with the placing agency to develop his or her  
15 transitional independent living case plan within 60 days of reentry,  
16 the nonminor’s agreement to report any changes of circumstances  
17 relevant to continued eligibility for foster care payments, and (1)  
18 the nonminor’s agreement to participate in the filing of a petition  
19 for juvenile court jurisdiction as a nonminor dependent pursuant  
20 to subdivision (e) of Section 388 within 15 judicial days of the  
21 signing of the agreement and the placing agency’s efforts and  
22 supportive services to assist the nonminor in the reentry process,  
23 or (2) if the nonminor meets the definition of a nonminor former  
24 dependent or ward, as described in subdivision (aa), the nonminor’s  
25 agreement to return to the care and support of his or her former  
26 juvenile court-appointed guardian and meet the eligibility criteria  
27 for AFDC-FC pursuant to subdivision (e) of Section 11405.

28 (aa) “Nonminor former dependent or ward” means, on and after  
29 January 1, 2012, either of the following:

30 (1) A nonminor who reached 18 years of age while subject to  
31 an order for foster care placement, and for whom dependency,  
32 delinquency, or transition jurisdiction has been terminated, and  
33 who is still under the general jurisdiction of the court.

34 (2) A nonminor who is over 18 years of age and, while a minor,  
35 was a dependent child or ward of the juvenile court when the  
36 guardianship was established pursuant to Section 360 or 366.26,  
37 or subdivision (d), of Section 728 and the juvenile court  
38 dependency or wardship was dismissed following the establishment  
39 of the guardianship.

(ab) “Runaway and homeless youth shelter” means a type of group home, as defined in paragraph (14) of subdivision (a) of Section 1502 of the Health and Safety Code, that is not an eligible placement option under Sections 319, 361.2, 450, and 727, and that is not eligible for AFDC-FC funding pursuant to subdivision (c) of Section 11402 or Section 11462.

(ac) “Transition dependent” is a minor between 17 years and five months and 18 years of age who is subject to the court’s transition jurisdiction under Section 450.

(ad) “Short-term residential treatment center” means a licensed community care facility, as defined in paragraph (18) of Section 1502 of the Health and Safety Code, that provides short-term, specialized, and intensive treatment for the child, when the child’s case plan specifies the need for, nature of, and anticipated duration of this specialized treatment.

(ae) “Resource family” means a placement, as defined in subdivision (c) of Section 16519.5.

SEC. 46. Section 11402 of the Welfare and Institutions Code is amended to read:

11402. In order to be eligible for AFDC-FC, a child or nonminor dependent shall be placed in one of the following:

(a) The approved home of a relative, provided the child is otherwise eligible for federal financial participation in the AFDC-FC payment.

(b) (1) The licensed family home of a nonrelative.

(2) The approved home of a nonrelative extended family member as described in Section 362.7.

(c) The approved home of a resource family as defined in Section 16519.5.

(d) A licensed group home, as defined in subdivision (h) of Section 11400, excluding a runaway and homeless youth shelter as defined in subdivision (ab) of Section 11400, provided that the placement worker has documented that the placement is necessary to meet the treatment needs of the child and that the facility offers those treatment services.

(e) The home of a nonrelated legal guardian or the home of a former nonrelated legal guardian when the guardianship of a child who is otherwise eligible for AFDC-FC has been dismissed due to the child’s attaining 18 years of age.

(f) An exclusive-use home.

1 (g) A housing model certified by a licensed transitional housing  
2 placement provider as described in Section 1559.110 of the Health  
3 and Safety Code and as defined in subdivision (r) of Section 11400.

4 (h) An out-of-state group home, provided that the placement  
5 worker, in addition to complying with all other statutory  
6 requirements for placing a minor in an out-of-state group home,  
7 documents that the requirements of Section 7911.1 of the Family  
8 Code have been met.

9 (i) An approved supervised independent living setting for  
10 nonminor dependents, as defined in subdivision (w) of Section  
11 11400.

12 ~~(j) This section shall become operative on July 1, 2012.~~

13 (j) *(1) This section shall become inoperative on January 1,*  
14 *2017, except that this section shall continue to apply, until January*  
15 *1, 2018, to a group home that has been granted an extension*  
16 *pursuant to the exception process described in subdivision (d) of*  
17 *Section 11462.04 or to a foster family home that has been granted*  
18 *an extension pursuant to the exception process described in*  
19 *subdivision (d) of Section 11463.1.*

20 *(2) This section shall remain in effect only until January 1, 2018,*  
21 *and as of that date is repealed, unless a later enacted statute, that*  
22 *is enacted before January 1, 2018, deletes or extends that date.*

23 SEC. 47. Section 11402 is added to the Welfare and Institutions  
24 Code, to read:

25 11402. In order to be eligible for AFDC-FC, a child or  
26 nonminor dependent shall be placed in one of the following:

27 (a) The approved home of a relative, provided the child is  
28 otherwise eligible for federal financial participation in the  
29 AFDC-FC payment.

30 (b) (1) The home of a nonrelated legal guardian or the home  
31 of a former nonrelated legal guardian when the guardianship of  
32 a child who is otherwise eligible for AFDC-FC has been dismissed  
33 due to the child attaining 18 years of age.

34 (2) The approved home of a nonrelative extended family  
35 member, as described in Section 362.7.

36 (c) (1) The licensed family home of a nonrelative.

37 (2) The approved home of a resource family, as defined in  
38 Section 16519.5.

39 (3) A licensed foster family agency for placement into a  
40 nontreatment foster home, provided that the program has

1 accreditation from a nationally recognized entity identified by the  
2 State Department of Social Services pursuant to the process  
3 described in paragraph (8) of subdivision (b) of Section 11463.

4 (d) (1) A housing model certified by a licensed transitional  
5 housing placement provider, as described in Section 1559.110 of  
6 the Health and Safety Code, and as defined in subdivision (r) of  
7 Section 11400.

8 (2) An approved supervised independent living setting for  
9 nonminor dependents, as defined in subdivision (w) of Section  
10 11400.

11 (e) A licensed foster family agency for placement into a  
12 treatment foster home, provided that all of the following apply:

13 (1) The program has accreditation from a nationally recognized  
14 entity identified by the State Department of Social Services  
15 pursuant to the process described in paragraph (8) of subdivision  
16 (b) of Section 11463.

17 (2) The program has a mental health certificate pursuant to  
18 Section 11462.015.

19 (3) The placement worker has documented in the child's case  
20 plan the need for, nature of, and anticipated duration of this  
21 specialized treatment to meet the treatment needs of the child and  
22 that the facility offers those treatment services.

23 (f) A short-term residential treatment center licensed as a  
24 community care facility, as defined in subdivision (ad) of Section  
25 11400, provided that all of the following apply:

26 (1) The program has a national accreditation from an entity  
27 selected by the State Department of Social Services pursuant to  
28 the process described in paragraph (4) of subdivision (b) of Section  
29 11462.

30 (2) The program has a mental health certificate pursuant to  
31 Section 11462.015.

32 (3) The placement worker has documented in the child's case  
33 plan the need for, nature of, and anticipated duration of this  
34 specialized treatment to meet the treatment needs of the child and  
35 that the facility offers those treatment services.

36 (g) An out-of-state short-term residential treatment center that  
37 meets the equivalent of the requirements of paragraphs (1), (2),  
38 and (3) of subdivision (f), provided that the placement worker, in  
39 addition to complying with all other statutory requirements for  
40 placing a minor in an out-of-state group home, documents that



1 *the requirements of Section 7911.1 of the Family Code have been*  
2 *met.*

3 *(h) A community treatment facility set forth in Article 5*  
4 *(commencing with Section 4094) of Chapter 3 of Part 1 of Division*  
5 *4.*

6 *(i) This section shall become operative on January 1, 2017.*

7 *SEC. 48. Section 11403.2 of the Welfare and Institutions Code*  
8 *is amended to read:*

9 11403.2. (a) The following persons shall be eligible for  
10 transitional housing provided pursuant to Article 4 (commencing  
11 with Section 16522) of Chapter 5 of Part 4:

12 (1) Any foster child at least 16 years of age and not more than  
13 18 years of age, and, on or after January 1, 2012, any nonminor  
14 dependent, as defined in subdivision (v) of Section 11400, who is  
15 eligible for AFDC-FC benefits as described in Section 11401. A  
16 foster child under 18 years of age shall be eligible for placement  
17 in the program certified as a "Transitional Housing Placement  
18 Program," pursuant to paragraph (1) of subdivision (a) of Section  
19 16522.1. A nonminor dependent shall be eligible for placement in  
20 the program certified as a "Transitional Housing Placement-Plus  
21 Foster Care Program" pursuant to paragraph (2) of subdivision (a)  
22 of Section 16522.1.

23 (2) (A) Any former foster youth at least 18 years of age and,  
24 except as provided in subparagraph (B), not more than 24 years  
25 of age who has exited from the foster care system on or after his  
26 or her 18th birthday and elects to participate in Transitional  
27 Housing Program-Plus, as defined in subdivision (s) of Section  
28 11400, if he or she has not received services under this paragraph  
29 for more than a total of 24 months, whether or not consecutive. If  
30 the person participating in a Transitional Housing Program-Plus  
31 is not receiving aid under Section 11403.1, he or she, as a condition  
32 of participation, shall enter into, and execute the provisions of, a  
33 transitional independent living plan that shall be mutually agreed  
34 upon, and annually reviewed, by the former foster youth and the  
35 applicable county welfare or probation department or independent  
36 living program coordinator. The person participating under this  
37 paragraph shall inform the county of any changes to conditions  
38 specified in the agreed-upon plan that affect eligibility, including  
39 changes in address, living circumstances, and the educational or  
40 training program.

(B) A county may, at its option, extend the services provided under subparagraph (A) to former foster youth not more than 25 years of age, and for a total of 36 months, whether or not consecutive, if the former foster youth, in addition to the requirements specified in subparagraph (A), meets either of the following criteria:

(i) The former foster youth is completing secondary education or a program leading to an equivalent credential.

(ii) The former foster youth is enrolled in an institution that provides postsecondary education.

(b) Payment on behalf of an eligible person receiving transitional housing services pursuant to paragraph (1) of subdivision (a) shall be made to the transitional housing placement provider pursuant to the conditions and limitations set forth in Section 11403.3. Notwithstanding Section 11403.3, the department, in consultation with concerned stakeholders, including, but not limited to, representatives of the Legislature, the County Welfare Directors Association of California, the Chief Probation Officers of California, the Judicial Council, representatives of Indian tribes, the California Youth Connection, former foster youth, child advocacy organizations, labor organizations, juvenile justice advocacy organizations, foster caregiver organizations, researchers, and transitional housing placement providers, shall convene a workgroup to establish a new rate structure for the Title IV-E funded THP-Plus Foster Care placement option for nonminor dependents. The workgroup shall also consider application of this new rate structure to the Transitional Housing Program-Plus, as described in paragraph (2) of subdivision (a) of Section 11403.3. In developing the new rate structure pursuant to this subdivision, the department shall consider the average rates in effect and being paid by counties to current transitional housing placement providers.

*(c) The Legislature finds and declares that this subdivision was added in 2015 to clearly codify the requirement of existing law regarding the payment made on behalf of an eligible person receiving transitional housing services. The workgroup described in subdivision (b) recommended, and the department subsequently implemented, an annual adjustment to the payment made on behalf of an eligible person receiving transitional housing services. This annual adjustment has been, and shall continue to be, equal to the*

1 *California Necessities Index applicable to each fiscal year. The*  
2 *Legislature hereby codifies that its intent remains in making this*  
3 *annual adjustment to support the care and supervision, including*  
4 *needed services and supports, for nonminor dependents who are*  
5 *receiving transitional housing services through the THP-Plus*  
6 *Foster Care Program.*

7 *SEC. 49. Section 11460 of the Welfare and Institutions Code*  
8 *is amended to read:*

9 11460. (a) Foster care providers shall be paid a per child per  
10 month rate in return for the care and supervision of the AFDC-FC  
11 child placed with them. The department is designated the single  
12 organizational unit whose duty it shall be to administer a state  
13 system for establishing rates in the AFDC-FC program. State  
14 functions shall be performed by the department or by delegation  
15 of the department to county welfare departments or Indian tribes,  
16 consortia of tribes, or tribal organizations that have entered into  
17 an agreement pursuant to Section 10553.1.

18 (b) "Care and supervision" includes food, clothing, shelter, daily  
19 supervision, school supplies, a child's personal incidentals, liability  
20 insurance with respect to a child, reasonable travel to the child's  
21 home for visitation, and reasonable travel for the child to remain  
22 in the school in which he or she is enrolled at the time of  
23 placement. Reimbursement for the costs of educational travel, as  
24 provided for in this subdivision, shall be made pursuant to  
25 procedures determined by the department, in consultation with  
26 representatives of county welfare and probation directors, and  
27 additional stakeholders, as appropriate.

28 (1) For a child placed in a *short-term residential treatment center*  
29 *or a group home*, care and supervision shall also include reasonable  
30 administration and operational activities necessary to provide the  
31 items listed in this subdivision.

32 (2) For a child placed in a *short-term residential treatment center*  
33 *or a group home*, care and supervision may also include reasonable  
34 activities performed by social workers employed by the ~~group~~  
35 ~~home~~ *program provider which that* are not otherwise considered  
36 daily supervision or administration activities, *but are eligible for*  
37 *federal financial participation under Title IV-E of the Social*  
38 *Security Act.*

39 (c) It is the intent of the Legislature to establish the maximum  
40 level of ~~state~~ *financial* participation in out-of-state foster care ~~group~~

1 ~~home program rates effective January 1, 1992 for placements in~~  
2 ~~facilities described in subdivision (g) of Section 11402.~~

3 (1) The department shall develop regulations that establish the  
4 method for determining the level of ~~state financial~~ participation  
5 ~~in the rate paid for each out-of-state group home program~~  
6 ~~placements in facilities described in subdivision (g) of Section~~  
7 ~~11402.~~ The department shall consider all of the following methods:

8 (A) ~~A~~ *Until December 31, 2016, a standardized system based*  
9 *on the rate classification level of care and services per child per*  
10 *month as detailed in Section 11462.*

11 (B) *The rate developed for a short-term residential treatment*  
12 *center pursuant to Section 11462.*

13 ~~(B)~~

14 (C) A system ~~which~~ *that* considers the actual allowable and  
15 reasonable costs of care and supervision incurred by the *out-of-state*  
16 program.

17 ~~(C)~~

18 (D) A system ~~which~~ *that* considers the rate established by the  
19 host state.

20 ~~(D)~~

21 (E) Any other appropriate methods as determined by the  
22 department.

23 (2) ~~State reimbursement~~ *Reimbursement for the AFDC-FC group*  
24 ~~home~~ *Aid to Families with Children-Foster Care* rate to be paid  
25 to an out-of-state program ~~on or after January 1, 1992, described~~  
26 ~~in subdivision (g) of Section 11402~~ shall only be paid to programs  
27 ~~which~~ *that* have done both of the following:

28 (A) Submitted a rate application to the department and received  
29 a determination of the level of ~~state financial~~ participation *in the*  
30 *rate paid.*

31 (i) The level of ~~state financial~~ participation shall not exceed the  
32 current fiscal year's standard rate for rate classification level 14  
33 *for a group home; or, commencing January 1, 2017, for a*  
34 *short-term residential treatment center.*

35 (ii) The level of ~~state financial~~ participation shall not exceed  
36 the rate determined by the ratesetting authority of the state in which  
37 the facility is located.

38 ~~(iii) The level of state participation shall not decrease for any~~  
39 ~~child placed prior to January 1, 1992, who continues to be placed~~  
40 ~~in the same out-of-state group home program.~~

1 (B) Agreed to comply with information requests, and program  
2 and fiscal audits as determined necessary by the department.

3 (3) ~~State—Except as specifically provided for in statute,~~  
4 reimbursement for an AFDC-FC rate ~~paid on or after January 1,~~  
5 1993, shall only be paid to a group home *or short-term residential*  
6 *treatment center* organized and operated on a nonprofit basis.

7 (d) A foster care provider that accepts payments, following the  
8 effective date of this section, based on a rate established under this  
9 section, shall not receive rate increases or retroactive payments as  
10 the result of litigation challenging rates established prior to the  
11 effective date of this section. This shall apply regardless of whether  
12 a provider is a party to the litigation or a member of a class covered  
13 by the litigation.

14 (e) Nothing shall preclude a county from using a portion of its  
15 county funds to increase rates paid to family homes ~~and~~, foster  
16 family agencies, *group homes, and short-term residential treatment*  
17 *centers* within that county, and to make payments for specialized  
18 care increments, clothing allowances, or infant supplements to  
19 homes within that county, solely at that county's expense.

20 (f) Nothing shall preclude a county from providing a  
21 supplemental rate to serve commercially sexually exploited foster  
22 children to provide for the additional care and supervision needs  
23 of these children. To the extent that federal financial participation  
24 is available, it is the intent of the Legislature that the federal  
25 funding shall be utilized.

26 *SEC. 50. Section 11461.2 of the Welfare and Institutions Code*  
27 *is amended to read:*

28 11461.2. (a) It is the intent of the Legislature to ensure quality  
29 care for children who are placed in the continuum of AFDC-FC  
30 eligible placement settings.

31 (b) The State Department of Social Services shall establish, in  
32 consultation with county welfare departments and other  
33 stakeholders, as appropriate, a working group to develop  
34 recommended revisions to the current ratesetting system, services,  
35 and programs serving children and families in the continuum of  
36 AFDC-FC eligible placement settings including, at a minimum,  
37 all programs provided by foster family agencies and group homes  
38 including those providing residentially-based services, as defined  
39 in paragraph (1) of subdivision (a) of Section 18987.71.

(c) In developing the recommended revisions identified in subdivision (b), the working group shall consider all of the following:

(1) How ratesetting systems for foster care providers, including, at least, foster family agencies and group homes, can better support a continuum of programs and services that promote positive outcomes for children and families. This may include a process for matching the child's strengths and needs to the appropriate placement setting.

(2) How the provision of an integrated, comprehensive set of services including mental health and other critical services for children and youth support the achievement of well-being, permanency, and safety outcomes.

(3) How to ensure the provision of services in family-like settings including after care services, when appropriate.

(4) How to provide outcome-based evaluations of foster care providers or other methods of measuring quality improvement including measures of youth and families' satisfaction with services provided and program effectiveness.

(5) How changes in the licensing, ratesetting, and auditing processes can improve the quality of foster care providers, the quality of services and programs provided, and enhance the oversight of care provided to children, including, but not limited to, accreditation, administrator qualifications, and the reassignment of these responsibilities within the department.

(d) In addition to the considerations in subdivision (c), the workgroup recommendations shall be based on the review and evaluation of the current ratesetting systems, actual cost data, and information from the provider community as well as research on other applicable ratesetting methodologies, evidenced-based practices, information developed as a result of pilots approved by the director, and any other relevant information.

(e) (1) The workgroup shall develop the content, format, and data sources for reports to be posted by the department on a public Internet Web site describing the outcomes achieved by providers with foster care rates set by the department.

(2) *Commencing January 1, 2017, and at least annually after that date, the department shall publish and make available on a public Internet Web site, short-term residential treatment center and foster family agency provider performance indicators.*

(f) (1) Recommendations developed pursuant to this section shall include the plan required under subdivision (d) of Section 18987.7. Updates regarding the workgroup's establishment and its progress toward meeting the requirements of this section shall be provided to the Legislature during 2012–13 and 2013–14 budget hearings. The revisions recommended pursuant to the requirements of subdivision (b) shall be submitted in a report to the appropriate policy and fiscal committees of the Legislature by October 1, 2014.

(2) The requirement for submitting a report pursuant to this subdivision is inoperative on October 1, 2018, pursuant to Section 10231.5 of the Government Code.

(g) The department shall retain the authority to extend the workgroup after October 1, 2014, to ensure that the objectives of this section are met and to reconvene this workgroup as necessary to address any future recommended changes to the continuum of AFDC-FC eligible placement settings pursuant to this section.

*SEC. 51. Section 11462 of the Welfare and Institutions Code is amended to read:*

11462. (a) (1) Effective July 1, 1990, foster care providers licensed as group homes, as defined in departmental regulations, including public child care institutions, as defined in Section 11402.5, shall have rates established by classifying each group home program and applying the standardized schedule of rates. The department shall collect information from group providers beginning January 1, 1990, in order to classify each group home program.

(2) Notwithstanding paragraph (1), foster care providers licensed as group homes shall have rates established only if the group home is organized and operated on a nonprofit basis as required under subdivision (h) of Section 11400. The department shall terminate the rate effective January 1, 1993, of any group home not organized and operated on a nonprofit basis as required under subdivision (h) of Section 11400.

(3) (A) The department shall determine, consistent with the requirements of this chapter and other relevant requirements under law, the rate classification level (RCL) for each group home program on a biennial basis. Submission of the biennial rate application shall be made according to a schedule determined by the department.

(B) The department shall adopt regulations to implement this paragraph. The adoption, amendment, repeal, or readoption of a regulation authorized by this paragraph is deemed to be necessary for the immediate preservation of the public peace, health and safety, or general welfare, for purposes of Sections 11346.1 and 11349.6 of the Government Code, and the department is hereby exempted from the requirement to describe specific facts showing the need for immediate action.

(b) A group home program shall be initially classified, for purposes of emergency regulations, according to the level of care and services to be provided using a point system developed by the department and described in the report, "The Classification of Group Home Programs under the Standardized Schedule of Rates System," prepared by the State Department of Social Services, August 30, 1989.

(c) The rate for each RCL has been determined by the department with data from the AFDC-FC Group Home Rate Classification Pilot Study. The rates effective July 1, 1990, were developed using 1985 calendar year costs and reflect adjustments to the costs for each fiscal year, starting with the 1986–87 fiscal year, by the amount of the California Necessities Index computed pursuant to the methodology described in Section 11453. The data obtained by the department using 1985 calendar year costs shall be updated and revised by January 1, 1993.

(d) As used in this section, "standardized schedule of rates" means a listing of the 14 rate classification levels, and the single rate established for each RCL.

(e) Except as specified in paragraph (1), the department shall determine the RCL for each group home program on a prospective basis, according to the level of care and services that the group home operator projects will be provided during the period of time for which the rate is being established.

(1) (A) (i) For new and existing providers requesting the establishment of an RCL, and for existing group home programs requesting an RCL increase, the department shall determine the RCL no later than 13 months after the effective date of the provisional rate. The determination of the RCL shall be based on a program audit of documentation and other information that verifies the level of care and supervision provided by the group home program during a period of the two full calendar months or



1 60 consecutive days, whichever is longer, preceding the date of  
2 the program audit, unless the group home program requests a lower  
3 RCL. The program audit shall not cover the first six months of  
4 operation under the provisional rate.

5 (ii) For audit purposes, if the group home program serves a  
6 mixture of AFDC-FC eligible and ineligible children, the weighted  
7 hours for child care and social work services provided and the  
8 capacity of the group home shall be adjusted by the ratio of  
9 AFDC-FC eligible children to all children in placement.

10 (iii) Pending the department's issuance of the program audit  
11 report that determines the RCL for the group home program, the  
12 group home program shall be eligible to receive a provisional rate  
13 that shall be based on the level of care and service that the group  
14 home program proposes it will provide. The group home program  
15 shall be eligible to receive only the RCL determined by the  
16 department during the pendency of any appeal of the department's  
17 RCL determination.

18 (B) A group home program may apply for an increase in its  
19 RCL no earlier than two years from the date the department has  
20 determined the group home program's rate, unless the host county,  
21 the primary placing county, or a regional consortium of counties  
22 submits to the department in writing that the program is needed  
23 in that county, that the provider is capable of effectively and  
24 efficiently operating the proposed program, and that the provider  
25 is willing and able to accept AFDC-FC children for placement  
26 who are determined by the placing agency to need the level of care  
27 and services that will be provided by the program.

28 (C) To ensure efficient administration of the department's audit  
29 responsibilities, and to avoid the fraudulent creation of records,  
30 group home programs shall make records that are relevant to the  
31 RCL determination available to the department in a timely manner.  
32 Except as provided in this section, the department may refuse to  
33 consider, for purposes of determining the rate, any documents that  
34 are relevant to the determination of the RCL that are not made  
35 available by the group home provider by the date the group home  
36 provider requests a hearing on the department's RCL  
37 determination. The department may refuse to consider, for purposes  
38 of determining the rate, the following records, unless the group  
39 home provider makes the records available to the department  
40 during the fieldwork portion of the department's program audit:

1 (i) Records of each employee's full name, home address,  
2 occupation, and social security number.

3 (ii) Time records showing when the employee begins and ends  
4 each work period, meal periods, split shift intervals, and total daily  
5 hours worked.

6 (iii) Total wages paid each payroll period.

7 (iv) Records required to be maintained by licensed group home  
8 providers under Title 22 of the California Code of Regulations  
9 that are relevant to the RCL determination.

10 (D) To minimize financial abuse in the startup of group home  
11 programs, when the department's RCL determination is more than  
12 three levels lower than the RCL level proposed by the group home  
13 provider, and the group home provider does not appeal the  
14 department's RCL determination, the department shall terminate  
15 the rate of a group home program 45 days after issuance of its  
16 program audit report. When the group home provider requests a  
17 hearing on the department's RCL determination, and the RCL  
18 determined by the director under subparagraph (E) is more than  
19 three levels lower than the RCL level proposed by the group home  
20 provider, the department shall terminate the rate of a group home  
21 program within 30 days of issuance of the director's decision.  
22 Notwithstanding the reapplication provisions in subparagraph (B),  
23 the department shall deny any request for a new or increased RCL  
24 from a group home provider whose RCL is terminated pursuant  
25 to this subparagraph, for a period of no greater than two years from  
26 the effective date of the RCL termination.

27 (E) A group home provider may request a hearing of the  
28 department's RCL determination under subparagraph (A) no later  
29 than 30 days after the date the department issues its RCL  
30 determination. The department's RCL determination shall be final  
31 if the group home provider does not request a hearing within the  
32 prescribed time. Within 60 days of receipt of the request for  
33 hearing, the department shall conduct a hearing on the RCL  
34 determination. The standard of proof shall be the preponderance  
35 of the evidence and the burden of proof shall be on the department.  
36 The hearing officer shall issue the proposed decision within 45  
37 days of the close of the evidentiary record. The director shall adopt,  
38 reject, or modify the proposed decision, or refer the matter back  
39 to the hearing officer for additional evidence or findings within  
40 100 days of issuance of the proposed decision. If the director takes

no action on the proposed decision within the prescribed time, the proposed decision shall take effect by operation of law.

(2) Group home programs that fail to maintain at least the level of care and services associated with the RCL upon which their rate was established shall inform the department. The department shall develop regulations specifying procedures to be applied when a group home fails to maintain the level of services projected, including, but not limited to, rate reduction and recovery of overpayments.

(3) The department shall not reduce the rate, establish an overpayment, or take other actions pursuant to paragraph (2) for any period that a group home program maintains the level of care and services associated with the RCL for children actually residing in the facility. Determinations of levels of care and services shall be made in the same way as modifications of overpayments are made pursuant to paragraph (2) of subdivision (b) of Section 11466.2.

(4) A group home program that substantially changes its staffing pattern from that reported in the group home program statement shall provide notification of this change to all counties that have placed children currently in care. This notification shall be provided whether or not the RCL for the program may change as a result of the change in staffing pattern.

(f) (1) The standardized schedule of rates for the 2002–03, 2003–04, 2004–05, 2005–06, 2006–07, and 2007–08 fiscal years is:

		FY 2002–03, 2003–04, 2004–05, 2005–06, 2006–07, and 2007–08	
Rate Classification Level	Point ranges	Standard Rate	
1	Under 60	\$1,454	
2	60–89	1,835	
3	90–119	2,210	
4	120–149	2,589	
5	150–179	2,966	
6	180–209	3,344	
7	210–239	3,723	
8	240–269	4,102	
9	270–299	4,479	

1	10	300–329	4,858
2	11	330–359	5,234
3	12	360–389	5,613
4	13	390–419	5,994
5	14	420 & Up	6,371

(2) (A) For group home programs that receive AFDC-FC payments for services performed during the 2002–03, 2003–04, 2004–05, 2005–06, 2006–07, 2007–08, 2008–09, and 2009–10 fiscal years, the adjusted RCL point ranges below shall be used for establishing the biennial rates for existing programs, pursuant to paragraph (3) of subdivision (a) and in performing program audits and in determining any resulting rate reduction, overpayment assessment, or other actions pursuant to paragraph (2) of subdivision (e):

Adjusted Point Ranges for the 2002–03, 2003–04, 2004–05, 2005–06, 2006–07, 2007–08, 2008–09, and 2009–10 Fiscal Years	
Rate Classification Level	
1	Under 54
2	54–81
3	82–110
4	111–138
5	139–167
6	168–195
7	196–224
8	225–253
9	254–281
10	282–310
11	311–338
12	339–367
13	368–395
14	396 & Up

(B) Notwithstanding subparagraph (A), foster care providers operating group homes during the 2002–03, 2003–04, 2004–05, 2005–06, 2006–07, 2007–08, 2008–09, and 2009–10 fiscal years shall remain responsible for ensuring the health and safety of the children placed in their programs in accordance with existing

applicable provisions of the Health and Safety Code and community care licensing regulations, as contained in Title 22 of the California Code of Regulations.

(C) Subparagraph (A) shall not apply to program audits of group home programs with provisional rates established pursuant to paragraph (1) of subdivision (e). For those program audits, the RCL point ranges in paragraph (1) shall be used.

(D) Rates applicable for the 2009–10 fiscal year pursuant to the act that adds this subparagraph shall be effective October 1, 2009.

(3) (A) For group home programs that receive AFDC-FC payments for services performed during the 2009–10 fiscal year the adjusted RCL point ranges below shall be used for establishing the biennial rates for existing programs, pursuant to paragraph (3) of subdivision (a) and in performing program audits and in determining any resulting rate reduction, overpayment assessment, or other actions pursuant to paragraph (2) of subdivision (e):

Rate Classification Level	Adjusted Point Ranges for the 2009–10 Fiscal Years
1	Under 39
2	39–64
3	65–90
4	91–115
5	116–141
6	142–167
7	168–192
8	193–218
9	219–244
10	245–270
11	271–295
12	296–321
13	322–347
14	348 & Up

(B) Notwithstanding subparagraph (A), foster care providers operating group homes during the 2009–10 fiscal year shall remain responsible for ensuring the health and safety of the children placed in their programs in accordance with existing applicable provisions of the Health and Safety Code and community care licensing

1 regulations as contained in Title 22 of the California Code of  
2 Regulations.

3 (C) Subparagraph (A) shall not apply to program audits of group  
4 home programs with provisional rates established pursuant to  
5 paragraph (1) of subdivision (e). For those program audits, the  
6 RCL point ranges in paragraph (1) shall be used.

7 (g) (1) (A) For the 1999–2000 fiscal year, the standardized  
8 rate for each RCL shall be adjusted by an amount equal to the  
9 California Necessities Index computed pursuant to the methodology  
10 described in Section 11453. The resultant amounts shall constitute  
11 the new standardized schedule of rates, subject to further  
12 adjustment pursuant to subparagraph (B).

13 (B) In addition to the adjustment in subparagraph (A),  
14 commencing January 1, 2000, the standardized rate for each RCL  
15 shall be increased by 2.36 percent, rounded to the nearest dollar.  
16 The resultant amounts shall constitute the new standardized  
17 schedule of rates.

18 (2) Beginning with the 2000–01 fiscal year, the standardized  
19 schedule of rates shall be adjusted annually by an amount equal  
20 to the CNI computed pursuant to Section 11453, subject to the  
21 availability of funds. The resultant amounts shall constitute the  
22 new standardized schedule of rates.

23 (3) Effective January 1, 2001, the amount included in the  
24 standard rate for each Rate Classification Level (RCL) for the  
25 salaries, wages, and benefits for staff providing child care and  
26 supervision or performing social work activities, or both, shall be  
27 increased by 10 percent. This additional funding shall be used by  
28 group home programs solely to supplement staffing, salaries,  
29 wages, and benefit levels of staff specified in this paragraph. The  
30 standard rate for each RCL shall be recomputed using this adjusted  
31 amount and the resultant rates shall constitute the new standardized  
32 schedule of rates. The department may require a group home  
33 receiving this additional funding to certify that the funding was  
34 utilized in accordance with the provisions of this section.

35 (4) Effective January 1, 2008, the amount included in the  
36 standard rate for each RCL for the wages for staff providing child  
37 care and supervision or performing social work activities, or both,  
38 shall be increased by 5 percent, and the amount included for the  
39 payroll taxes and other employer-paid benefits for these staff shall  
40 be increased from 20.325 percent to 24 percent. The standard rate

1 for each RCL shall be recomputed using these adjusted amounts,  
2 and the resulting rates shall constitute the new standardized  
3 schedule of rates.

4 (5) The new standardized schedule of rates as provided for in  
5 paragraph (4) shall be reduced by 10 percent, effective October 1,  
6 2009, and the resulting rates shall constitute the new standardized  
7 schedule of rates.

8 (6) The rates of licensed group home providers, whose rates are  
9 not established under the standardized schedule of rates, shall be  
10 reduced by 10 percent, effective October 1, 2009.

11 (h) The standardized schedule of rates pursuant to subdivisions  
12 (f) and (g) shall be implemented as follows:

13 (1) Any group home program that received an AFDC-FC rate  
14 in the prior fiscal year at or above the standard rate for the RCL  
15 in the current fiscal year shall continue to receive that rate.

16 (2) Any group home program that received an AFDC-FC rate  
17 in the prior fiscal year below the standard rate for the RCL in the  
18 current fiscal year shall receive the RCL rate for the current year.

19 (i) (1) The department shall not establish a rate for a new  
20 program of a new or existing provider, or for an existing program  
21 at a new location of an existing provider, unless the provider  
22 submits a letter of recommendation from the host county, the  
23 primary placing county, or a regional consortium of counties that  
24 includes all of the following:

25 (A) That the program is needed by that county.

26 (B) That the provider is capable of effectively and efficiently  
27 operating the program.

28 (C) That the provider is willing and able to accept AFDC-FC  
29 children for placement who are determined by the placing agency  
30 to need the level of care and services that will be provided by the  
31 program.

32 (D) That, if the letter of recommendation is not being issued by  
33 the host county, the primary placing county has notified the host  
34 county of its intention to issue the letter and the host county was  
35 given the opportunity of 30 days to respond to this notification  
36 and to discuss options with the primary placing county.

37 (2) The department shall encourage the establishment of  
38 consortia of county placing agencies on a regional basis for the  
39 purpose of making decisions and recommendations about the need

1 for, and use of, group home programs and other foster care  
2 providers within the regions.

3 (3) The department shall annually conduct a county-by-county  
4 survey to determine the unmet placement needs of children placed  
5 pursuant to Section 300 and Section 601 or 602, and shall publish  
6 its findings by November 1 of each year.

7 (j) The department shall develop regulations specifying  
8 ratesetting procedures for program expansions, reductions, or  
9 modifications, including increases or decreases in licensed capacity,  
10 or increases or decreases in level of care or services.

11 (k) For the purpose of this subdivision, “program change” means  
12 any alteration to an existing group home program planned by a  
13 provider that will increase the RCL or AFDC-FC rate. An increase  
14 in the licensed capacity or other alteration to an existing group  
15 home program that does not increase the RCL or AFDC-FC rate  
16 shall not constitute a program change.

17 (l) General unrestricted or undesignated private charitable  
18 donations and contributions made to charitable or nonprofit  
19 organizations shall not be deducted from the cost of providing  
20 services pursuant to this section. The donations and contributions  
21 shall not be considered in any determination of maximum  
22 expenditures made by the department.

23 (m) (1) *This section shall become inoperative on January 1,*  
24 *2017, except that this section shall continue to apply, until January*  
25 *1, 2018, to a group home that has been granted an extension*  
26 *pursuant to the exception process described in subdivision (d) of*  
27 *Section 11462.04.*

28 (2) *This section is repealed as of January 1, 2018, unless a later*  
29 *enacted statute, that is enacted before January 1, 2018, deletes or*  
30 *extends that date.*

31 SEC. 52. *Section 11462 is added to the Welfare and Institutions*  
32 *Code, to read:*

33 11462. (a) *The department shall commence development of a*  
34 *new payment structure for short-term residential treatment center*  
35 *program placements claiming Title IV-E funding.*

36 (b) *The department shall develop a rate system that includes*  
37 *consideration of all of the following factors:*

38 (1) *Core services provided that encompass community service*  
39 *and supports, permanency-related services, medical and mental*  
40 *health support and access to services, educational support, life*



1 *and social support, transitional support services upon discharge,*  
2 *biological parent and resource family supports, and services for*  
3 *nonminor dependents.*

4 *(2) Staff training.*

5 *(3) Health and Safety Code requirements.*

6 *(4) Accreditation that includes:*

7 *(A) Provision for all licensed foster family agencies to maintain*  
8 *in good standing accreditation from a nationally recognized*  
9 *accreditation agency with expertise in programs for youth group*  
10 *care facilities, as determined by the department.*

11 *(B) Promulgation by the department of information identifying*  
12 *that agency or agencies from which accreditation shall be required.*

13 *(C) Provision for timely reporting to the department of any*  
14 *change in accreditation status.*

15 *(5) Mental health certification, including a requirement to timely*  
16 *report to the department any change in mental health certificate*  
17 *status.*

18 *(6) Maximization of federal financial participation under Title*  
19 *IV-E and Title XIX of the Social Security Act.*

20 *(c) The department shall develop a system of governmental*  
21 *monitoring and oversight that shall be carried out in coordination*  
22 *with the State Department of Health Care Services. Oversight*  
23 *responsibilities shall include, but not be limited to, ensuring*  
24 *conformity with federal and state law, including program, fiscal,*  
25 *and health and safety audits and reviews.*

26 *(d) This section shall become operative on January 1, 2017.*

27 *SEC. 53. Section 11462.01 of the Welfare and Institutions Code*  
28 *is amended to read:*

29 11462.01. (a) Commencing July 1, 1994, a group home  
30 program shall be classified at RCL 13 or RCL 14 if the program  
31 meets all of the following requirements:

32 (1) The group home program is providing, or has proposed to  
33 provide, the level of care and services necessary to generate  
34 sufficient points in the ratesetting process to be classified at RCL  
35 13 if the rate application is for RCL 13 or to be classified at RCL  
36 14 if the rate application is for RCL 14.

37 (2) (A) (i) The group home provider shall agree not to accept  
38 for placement into a group home program AFDC-FC funded  
39 children, including voluntary placements and seriously emotionally  
40 disturbed children placed out-of-home pursuant to an individualized

1 education program developed under Section 7572.5 of the  
2 Government Code, who have not been approved for placement by  
3 an interagency placement committee, as described by Section 4096.  
4 The approval shall be in writing and shall indicate that the  
5 interagency placement committee has determined the child is  
6 seriously emotionally disturbed, as defined by Section 5600.3 and  
7 subject to Section 1502.4 of the Health and Safety Code, and that  
8 the child needs the level of care provided by the group home.

9 (ii) For purposes of clause (i), group home providers who accept  
10 seriously emotionally disturbed children who are assessed and  
11 placed out-of-home pursuant to an individualized education  
12 program developed under Section 7572.5 of the Government Code  
13 shall be deemed to have met the interagency placement committee  
14 approval for placement requirements of clause (i) if the  
15 individualized education program assessment indicates that the  
16 child has been determined to be seriously emotionally disturbed,  
17 as defined in Section 5600.3 and subject to Section 1502.4 of the  
18 Health and Safety Code, and needs the level of care described in  
19 clause (i).

20 (B) (i) Nothing in this subdivision shall prevent the emergency  
21 placement of a child into a group home program prior to the  
22 determination by the interagency placement committee pursuant  
23 to subclause (i) of subparagraph (A) if a licensed mental health  
24 professional, as defined in the department's AFDC-FC ratesetting  
25 regulations, has evaluated, in writing, the child within 72 hours of  
26 placement, and determined the child to be seriously emotionally  
27 disturbed and in need of the care and services provided by the  
28 group home program.

29 (ii) The interagency placement committee shall, within 30 days  
30 of placement pursuant to clause (i), make the determination  
31 required by clause (i) of subparagraph (A).

32 (iii) If, pursuant to clause (ii), the placement is determined to  
33 be appropriate, the committee shall transmit the approval, in  
34 writing, to the county placing agency and the group home provider.

35 (iv) If, pursuant to clause (ii) the placement is determined not  
36 to be appropriate, the child shall be removed from the group home  
37 and referred to a more appropriate placement, as specified in  
38 subdivision (f).

39 (C) Commencing December 15, 1992, with respect to AFDC-FC  
40 funded children, only those children who are approved for

1 placement by an interagency placement committee may be accepted  
2 by a group home under this subdivision.

3 (3) The group home program is certified by the State Department  
4 of Health Care Services pursuant to Section 4096.5.

5 (b) The department shall not establish a rate for a group home  
6 requesting a program change to RCL 13 or RCL 14 unless the  
7 group home provider submits a recommendation from the host  
8 county or the primary placing county that the program is needed  
9 and that the provider is willing and capable of operating the  
10 program at the level sought. For purposes of this subdivision, "host  
11 county," "primary placing county," and "program change" mean  
12 the same as defined in the department's AFDC-FC ratesetting  
13 regulations.

14 (c) The effective date of rates set at RCL 13 or RCL 14 shall  
15 be the date that all the requirements are met, but not prior to July  
16 1 of that fiscal year. Nothing in this section shall affect RCL 13  
17 or RCL 14 ratesetting determinations in prior years.

18 (d) Any group home program that has been classified at RCL  
19 13 or RCL 14 pursuant to the requirements of subdivision (a) shall  
20 be reclassified at the appropriate lower RCL with a commensurate  
21 reduction in rate if either of the following occurs:

22 (1) The group home program fails to maintain the level of care  
23 and services necessary to generate the necessary number of points  
24 for RCL 13 or RCL 14, as required by paragraph (1) of subdivision  
25 (a). The determination of points shall be made consistent with the  
26 department's AFDC-FC ratesetting regulations for other rate  
27 classification levels.

28 (2) The group home program fails to maintain a certified mental  
29 health treatment program as required by paragraph (3) of  
30 subdivision (a).

31 (3) In the event of a determination under paragraph (1), the  
32 group home may appeal the finding or submit a corrective action  
33 plan. The appeal process specified in Section 11466.6 shall be  
34 available to RCL 13 and RCL 14 group home providers. During  
35 any appeal, the group home shall maintain the appropriate level  
36 of care.

37 (e) The interagency placement committee shall periodically  
38 review, but no less often than that required by current law, the  
39 placement of the child. If the committee determines that the child  
40 no longer needs, or is not benefiting from, placement in a RCL 13

1 or RCL 14 group home, the committee shall require the removal  
2 of the child and a new disposition.

3 (f) (1) (A) If, at any time subsequent to placement in an RCL  
4 13 or RCL 14 group home program, the interagency placement  
5 committee determines either that the child is not seriously  
6 emotionally disturbed or is not in need of the care and services  
7 provided by the group home program, it shall notify, in writing,  
8 both the county placing agency and the group home provider within  
9 10 days of the determination.

10 (B) The county placing agency shall notify the group home  
11 provider, in writing, within five days from the date of the notice  
12 from the committee, of the county's plan for removal of the child.

13 (C) The county placing agency shall remove the child from the  
14 group home program within 30 days from the date of the notice  
15 from the interagency placement committee.

16 (2) (A) If a county placing agency does not remove a child  
17 within 30 days from the date of the notice from the interagency  
18 placement committee, the group home provider shall notify the  
19 interagency placement committee and the department, in writing,  
20 of the county's failure to remove the child from the group home  
21 program.

22 (B) The group home provider shall make the notification  
23 required by subparagraph (A) within five days of the expiration  
24 of the 30-day removal period. If notification is made, a group home  
25 provider shall not be subject to an overpayment determination due  
26 to failure of the county placing agency to remove the child.

27 (3) Any county placing agency that fails to remove a child from  
28 a group home program under this paragraph within 30 days from  
29 the date of the notice from the interagency placement committee  
30 shall be assessed a penalty in the amount of the state and federal  
31 financial participation in the AFDC-FC rate paid on behalf of the  
32 child commencing on the 31st day and continuing until the child  
33 is removed.

34 (g) (1) If any RCL 13 or RCL 14 group home provider discovers  
35 that it does not have written approval for placement of any  
36 AFDC-FC funded child placed on or after December 15, 1992,  
37 from the interagency placement committee, it shall notify the  
38 county placing agency, in writing, and shall request the county to  
39 obtain approval from the interagency placement committee or  
40 remove the child from the group home program. A group home

1 provider shall have 30 days from the child's first day of placement  
2 to discover the placement error and to notify the county placing  
3 agency.

4 (2) Any county placing agency that receives notification  
5 pursuant to paragraph (2) of subdivision (f) shall obtain approval  
6 for placement from the interagency placement committee or remove  
7 the child from the group home program within 30 days from the  
8 date of the notice from the group home provider. The program  
9 shall not be reclassified to a lower RCL for a violation of the  
10 provisions referred to in this paragraph.

11 (3) (A) If a county placing agency does not have the placement  
12 of a child approved by the interagency placement committee or  
13 removed from the group home within 30 days from the date of the  
14 notice from the group home provider, the group home provider  
15 shall notify the county placing agency and the department, in  
16 writing, of the county's failure to have the placement of the child  
17 approved or remove the child from the group home program.

18 (B) The group home provider shall make the notification  
19 required by subparagraph (A) within five days after the expiration  
20 of the 30-day approval or removal period. If notification is made,  
21 a group home provider shall not be subject to an overpayment  
22 determination due to failure of the county placing agency to remove  
23 the child.

24 (C) Any group home provider that fails to notify the county  
25 placing agency pursuant to subparagraph (A) shall be assessed a  
26 penalty in the amount of the AFDC-FC rate paid to the group home  
27 provider on behalf of the child commencing on the 31st day of  
28 placement and continuing until the county placing agency is  
29 notified.

30 (4) Any county placing agency that fails to have the placement  
31 of a child approved or to have the child removed from the group  
32 home program within 30 days shall be assessed a penalty in the  
33 amount of the state and federal financial participation in the  
34 AFDC-FC rate paid on behalf of the child commencing on the 31st  
35 day of placement and continuing until the child is removed.

36 (h) The department shall develop regulations to obtain payment  
37 of assessed penalties as provided in this section. For audit purposes  
38 and the application of penalties for RCL 13 and RCL 14 programs,  
39 the department shall apply statutory provisions that were in effect  
40 during the period for which the audit was conducted.

1 (i) (1) Nothing in this subparagraph shall prohibit a group home  
2 classified at RCL 13 or RCL 14 for purposes of the AFDC-FC  
3 program, from accepting private placements of children.

4 (2) ~~In cases where~~ When a referral is not from a public agency  
5 and no public funding is involved, there shall be no requirement  
6 for public agency review or determination of need.

7 (3) Children subject to paragraphs (1) and (2) shall have been  
8 assessed as seriously emotionally disturbed, as defined in Section  
9 5600.3 and subject to Section 1502.4 of the Health and Safety  
10 Code, by a licensed mental health professional, as defined in  
11 Sections 629 to 633, inclusive, of Title 9 of the California Code  
12 of Regulations.

13 (j) A child shall not be placed in a group home program  
14 classified at an RCL 13 or RCL 14 if the placement is paid for  
15 with county-only funds unless the child is assessed as seriously  
16 emotionally disturbed, as defined in Section 5600.3, subject to  
17 Section 1502.4 of the Health and Safety Code, by a licensed mental  
18 health professional, as defined in Sections 629 to 633, inclusive,  
19 of Title 9 of the California Code of Regulations.

20 (k) (1) *This section shall become inoperative on January 1,*  
21 *2017, except that this section shall continue to apply, until January*  
22 *1, 2018, to a group home that has been granted an extension*  
23 *pursuant to the exception process described in subdivision (d) of*  
24 *Section 11462.04.*

25 (2) *This section is repealed as of January 1, 2018, unless a later*  
26 *enacted statute, that is enacted before January 1, 2018, deletes or*  
27 *extends that date.*

28 SEC. 54. *Section 11462.01 is added to the Welfare and*  
29 *Institutions Code, to read:*

30 11462.01. (a) *All short-term residential treatment centers,*  
31 *and foster family agencies that provide treatment services, shall*  
32 *maintain in good standing the appropriate mental health*  
33 *certification issued by the State Department of Health Care*  
34 *Services or a county to which the department has delegated*  
35 *certification authority pursuant to Section 4096.5, and additionally*  
36 *shall meet all of the following requirements:*

37 (1) *Maintain the level of care and services necessary to meet*  
38 *the needs of the children in care.*

39 (2) *Agree not to accept for placement AFDC-FC funded*  
40 *children, including voluntary placements and seriously emotionally*

1 *disturbed children placed out-of-home pursuant to an*  
2 *individualized education program developed under Section 7572.5*  
3 *of the Government Code, who have not been approved in writing*  
4 *for placement by the child and family team or the interagency*  
5 *placement committee, as described in Section 4096.*

6 *(A) The written approval shall indicate both of the following:*

7 *(i) The child is seriously emotionally disturbed, as defined by*  
8 *Section 5600.3 and subject to Section 1502.4 of the Health and*  
9 *Safety Code.*

10 *(ii) The child needs the level of care provided by the short-term*  
11 *residential treatment center or foster family agency that provides*  
12 *treatment services.*

13 *(B) Seriously emotionally disturbed children who are assessed*  
14 *and placed out-of-home pursuant to an individualized education*  
15 *program developed under Chapter 26.5 (commencing with Section*  
16 *7570) of Division 7 of Title 1 of the Government Code shall be*  
17 *deemed to have met the placement requirements of clause (i) of*  
18 *subparagraph (A) only if the individualized education program*  
19 *assessment indicates that the child has been determined to be*  
20 *seriously emotionally disturbed, as defined in Section 5600.3 and*  
21 *subject to Section 1502.4 of the Health and Safety Code, and needs*  
22 *the level of care described in subparagraph (A).*

23 *(C) Nothing in this subdivision shall prevent an emergency*  
24 *placement of a child into a short-term residential treatment center*  
25 *or foster family agency that provides treatment services prior to*  
26 *the determination by the child and family team or interagency*  
27 *placement committee, as applicable, pursuant to subparagraph*  
28 *(A), but only if a licensed mental health professional, as defined*  
29 *in the department's AFDC-FC ratesetting regulations, has made*  
30 *a written determination within 72 hours of the child's placement,*  
31 *that the child is seriously emotionally disturbed and is in need of*  
32 *the care and services provided by the short-term residential*  
33 *treatment center or foster family agency that provides treatment*  
34 *services.*

35 *(D) (i) The child and family team or interagency placement*  
36 *committee, as appropriate, shall, within 30 days of placement,*  
37 *make the determinations required by subparagraph (A).*

38 *(ii) If it determines the placement is appropriate, the child and*  
39 *family team or interagency placement committee, as appropriate,*  
40 *shall transmit the approval, in writing, to the county placing agency*

1 *and the short-term residential treatment center or foster family*  
2 *agency that provides treatment services.*

3 *(iii) If it determines the placement is not appropriate, the child*  
4 *and family team or interagency placement committee, as*  
5 *appropriate, shall transmit the disapproval, in writing, to the*  
6 *county placing agency and the short-term residential treatment*  
7 *center or foster family agency that provides treatment services,*  
8 *and the child shall be referred to an appropriate placement, as*  
9 *specified in subdivision (f).*

10 *(E) Commencing January 1, 2017, for AFDC-FC funded*  
11 *children, only those children who are approved for placement by*  
12 *the child and family team or interagency placement committee, as*  
13 *appropriate, may be accepted by a short-term residential treatment*  
14 *center or foster family agency that provides treatment services.*

15 *(F) The department shall, through regulation, establish*  
16 *consequences for the failure of a short-term residential treatment*  
17 *center, or a foster family agency that provides treatment services,*  
18 *to obtain written approval for placement of an AFDC-FC funded*  
19 *child from the child and family team or interagency placement*  
20 *committee.*

21 *(3) The short-term residential treatment center, or foster family*  
22 *agency that provides treatment services, shall be certified by the*  
23 *State Department of Health Care Services or a county to which*  
24 *the department has delegated certification authority pursuant to*  
25 *Section 4096.5.*

26 *(b) The department shall not establish a rate for a short-term*  
27 *residential treatment center or foster family agency that provides*  
28 *intensive and therapeutic treatment unless the provider submits a*  
29 *recommendation from the host county or the primary placing*  
30 *county that the program is needed and that the provider is willing*  
31 *and capable of operating the program at the level sought. For*  
32 *purposes of this subdivision, “host county,” and “primary placing*  
33 *county,” mean the same as defined in the department’s AFDC-FC*  
34 *ratesetting regulations.*

35 *(c) The effective date of rates set for a short-term residential*  
36 *treatment center or foster family agency that provides intensive*  
37 *and therapeutic treatment shall be the date that all the*  
38 *requirements are met.*

39 *(d) Any short-term residential treatment center or foster family*  
40 *agency that provides intensive and therapeutic treatment pursuant*



1 to subdivision (a) shall be reclassified and paid at the appropriate  
2 program rate for which it is qualified if either of the following  
3 occurs:

4 (1) (A) It fails to maintain the level of care and services  
5 necessary to meet the needs of the children in care, as required  
6 by paragraph (1) of subdivision (a). The determination shall be  
7 made consistent with the department's AFDC-FC ratesetting  
8 regulations developed pursuant to Sections 11462 and 11463 and  
9 shall take into consideration the highest level of care and  
10 associated rates for which the program is eligible.

11 (B) In the event of a determination under this paragraph, the  
12 short-term residential treatment center or foster family agency  
13 that provides intensive and therapeutic treatment may appeal the  
14 finding or submit a corrective action plan. The appeal process  
15 specified in Section 11466.6 shall be available to a short-term  
16 residential treatment center or foster family agency that provides  
17 intensive and therapeutic treatment. During any appeal, the  
18 short-term residential treatment center or foster family agency  
19 that provides intensive and therapeutic treatment shall maintain  
20 the appropriate level of care.

21 (2) It fails to maintain a certified mental health treatment  
22 program as required by paragraph (3) of subdivision (a).

23 (e) In addition to any other review required by law, the child  
24 and family team referenced in Sections 831 and 16501 shall  
25 periodically review the placement of the child. If the child and  
26 family team determines that the child no longer needs, or is not  
27 benefiting from, placement in a short-term residential treatment  
28 center or foster family agency that provides intensive and  
29 therapeutic treatment, the team shall transmit the disapproval, in  
30 writing, to the county placing agency and the short-term residential  
31 treatment center or foster family agency that provides intensive  
32 and therapeutic treatment, and the child shall be referred to an  
33 appropriate placement.

34 (f) The department shall develop a process to address  
35 placements when, subsequent to the child's placement, a  
36 determination is made by the interagency placement team or the  
37 child and family team, either that the child is not seriously  
38 emotionally disturbed or is not in need of the care and services  
39 provided by the certified program. The process shall include, but  
40 not be limited to:

1     (1) Notice of the determination in writing to both the county  
2     placing agency and the short-term residential treatment center or  
3     foster family agency that provides intensive and therapeutic  
4     treatment.

5     (2) Notice of the county's plan, and a time frame, for removal  
6     of the child in writing to the short-term residential treatment center  
7     or foster family agency that provides intensive and therapeutic  
8     treatment.

9     (3) Referral to an appropriate placement.

10    (4) Actions to be taken if a child is not timely removed from the  
11    short-term residential treatment center or foster family agency  
12    that provides intensive and therapeutic treatment or placed in an  
13    appropriate placement.

14    (g) (1) Nothing in this section shall prohibit a short-term  
15    residential treatment center or foster family agency that provides  
16    intensive and therapeutic treatment for purposes of the AFDC-FC  
17    program, from accepting private placements of children.

18    (2) When a referral is not from a public agency and no public  
19    funding is involved, there is no requirement for public agency  
20    review nor determination of need.

21    (3) Children subject to paragraphs (1) and (2) shall have been  
22    determined to be seriously emotionally disturbed, as defined in  
23    Section 5600.3 and subject to Section 1502.4 of the Health and  
24    Safety Code, by a licensed mental health professional.

25    SEC. 55. Section 11462.02 of the Welfare and Institutions Code  
26    is amended to read:

27    11462.02. (a) Notwithstanding paragraph (2) of subdivision  
28    (a) of Section 11462, a foster care provider licensed as a group  
29    home may also have a rate established if the group home is  
30    operated by the County of San Mateo, as provided by subdivision  
31    (h) of Section 11400.

32    (b) (1) This section shall become inoperative on January 1,  
33    2017, except that this section shall continue to apply, until January  
34    1, 2018, to a group home that has been granted an extension  
35    pursuant to the exception process described in subdivision (d) of  
36    Section 11462.04.

37    (2) This section is repealed as of January 1, 2018, unless a later  
38    enacted statute, that is enacted before January 1, 2018, deletes or  
39    extends that date.

1     *SEC. 56. Section 11462.02 is added to the Welfare and*  
2     *Institutions Code, to read:*

3     11462.02. (a) Any existing county-operated foster family  
4     agency or group home, including the group home operated by the  
5     County of San Mateo, shall, commencing January 1, 2017, be  
6     classified as, and shall meet all of the requirements of, a foster  
7     family agency or a short-term residential treatment center, as set  
8     forth respectively in subdivisions (e) and (f) of Section 11402, to  
9     be eligible to receive AFDC-FC funds.

10    (b) Notwithstanding any other law, the State Department of  
11    Social Services may license a county as a foster family agency or  
12    as a short-term residential treatment center.

13    (c) If a county exercises its option to operate a foster family  
14    agency or a short-term residential treatment center, the county  
15    shall submit an application and shall comply with the requirements  
16    of Chapter 3 (commencing with Section 1500) of Division 2 of the  
17    Health and Safety Code related to a foster family agency programs  
18    or short-term residential treatment center, as applicable.

19    (d) A county that requests, and is granted, a license for a foster  
20    family agency or short-term residential treatment center shall  
21    apply for an AFDC-FC rate pursuant to Section 11463 or 11462,  
22    as applicable.

23    (e) As a condition for eligibility for an AFDC-FC rate for a  
24    short-term residential treatment center or a foster family agency,  
25    the county shall comply with all applicable law concerning a  
26    short-term residential treatment center or foster family agency,  
27    including, but not limited to, the following provisions related to  
28    licensing, rate, audit, due process, enforcement, and overpayment  
29    collection:

30    (1) Chapter 3 (commencing with Section 1500) of Division 2 of  
31    the Health and Safety Code.

32    (2) Article 10 (commencing with Section 360) of Chapter 2 of  
33    Part 1 of Division 2 of this code.

34    (3) Article 18 (commencing with Section 725) of Chapter 2 of  
35    Part 1 of Division 2 of this code.

36    (4) Article 22 (commencing with Section 825) of Chapter 2 of  
37    Part 1 of Division 2 of this code.

38    (5) Article 5 (commencing with Section 11400) of Chapter 2 of  
39    Part 3 of Division 9 of this code.

1 (6) Article 6 (commencing with Section 11450) of Chapter 2 of  
2 Part 3 of Division 9 of this code.

3 (f) The state is not obligated under Section 36 of Article XIII of  
4 the California Constitution to provide any annual funding to a  
5 county to comply with this section; with any regulation, executive  
6 order, or administrative order implementing this section; or with  
7 any federal statute or regulation related to this section, because  
8 the county's operation of a licensed short-term residential  
9 treatment center or foster family agency is optional for the county  
10 and is not required by this section.

11 (g) Counties licensed to operate a foster family agency or  
12 short-term residential treatment center shall, as a condition to  
13 receiving payment, ensure that its conflict of interest mitigation  
14 plan, submitted to the department pursuant to subdivision (b) of  
15 Section 1506.1 and subdivision (c) of Section 1562.01 of the Health  
16 and Safety Code, addresses, but is not limited to, the following:

17 (1) A decision to place children in a county-operated facility  
18 when alternative appropriate placement options exist.

19 (2) The reporting by county staff to the department or other  
20 agencies of observed noncompliant conditions or health and safety  
21 concerns in county-operated foster family agencies or short-term  
22 residential treatment centers.

23 (3) The cross-reporting of reports received from mandatory  
24 child abuse and neglect reporters involving county-operated foster  
25 family agencies and short-term residential treatment center  
26 programs.

27 (4) Disclosures of fatalities and near fatalities of children placed  
28 in county-operated foster family agencies and short-term  
29 residential treatment centers.

30 SEC. 57. Section 11462.04 of the Welfare and Institutions Code  
31 is amended to read:

32 11462.04. (a) Notwithstanding any other law, no new group  
33 home rate or change to an existing rate shall be established pursuant  
34 to Section 11462. An application shall not be accepted or processed  
35 for any of the following:

36 (1) A new program.

37 (2) A new provider.

38 (3) A program change, such as a rate classification level (RCL)  
39 increase.

40 (4) A program capacity increase.

1 (5) A program reinstatement.

2 (b) Notwithstanding subdivision (a), the department may grant  
3 exceptions as appropriate on a case-by-case basis, based upon a  
4 written request and supporting documentation provided by county  
5 placing agencies, including county welfare or probation directors.

6 (c) (1) For the 2012–13, 2013–14, and 2014–15 fiscal years,  
7 notwithstanding subdivision (b), for any program below RCL 10,  
8 the only exception that may be sought and granted pursuant to this  
9 section is for an application requesting a program change, such as  
10 an RCL increase. The authority to grant other exceptions does not  
11 apply to programs below RCL 10 during these fiscal years.

12 (2) *Notwithstanding paragraph (1), commencing January 1,*  
13 *2017, no exception shall be granted for any program below RCL*  
14 *10.*

15 (d) *This section shall remain in effect only until January 1, 2017,*  
16 *and as of that date is repealed, unless a later enacted statute, that*  
17 *is enacted before January 1, 2017, deletes or extends that date.*

18 SEC. 58. Section 11462.04 is added to the Welfare and  
19 Institutions Code, to read:

20 11462.04. (a) *Notwithstanding any other law, commencing*  
21 *January 1, 2017, no new group home rate or change to an existing*  
22 *rate shall be established pursuant to the Rate Classification Level*  
23 *(RCL) system.*

24 (b) *Notwithstanding subdivision (a), the department may grant*  
25 *an exception as appropriate, on a case-by-case basis, when a*  
26 *written request and supporting documentation are provided by a*  
27 *county placing agency, including a county welfare or probation*  
28 *director, that absent the granting of that exception, there is a*  
29 *material risk to the welfare of children due to an inadequate supply*  
30 *of appropriate alternative placement options to meet the needs of*  
31 *children.*

32 (c) *For group homes being paid under the RCL system, and*  
33 *those granted an exception pursuant to paragraph (b), group home*  
34 *rates shall terminate on December 31, 2016, unless granted an*  
35 *extension under the exception process in subdivision (d).*

36 (d) *A group home may request an exception to extend its rate*  
37 *as follows:*

38 (1) *The department may grant an extension for up to one year,*  
39 *through December 31, 2017, on a case-by-case basis, when a*  
40 *written request and supporting documentation are provided by a*

1 county placing agency, including a county welfare or probation  
2 director, that absent the granting of that exception, there is a  
3 material risk to the welfare of children due to an inadequate supply  
4 of appropriate alternative placement options to meet the needs of  
5 children. The exception may include time to meet the program  
6 accreditation requirement or the mental health certification  
7 requirement.

8 (2) The exception shall allow the provider to continue to receive  
9 the rate under the prior ratesetting system.

10 (e) Upon termination of an existing group home rate under the  
11 RCL system, a new rate shall not be paid until an application is  
12 approved and a rate is granted by the department pursuant to  
13 Section 11462 as a short-term residential treatment center or  
14 pursuant to Section 11463 as a foster family agency.

15 (f) The department shall, in the development of the new rate  
16 structures, consider and provide for placement of all children who  
17 are displaced as a result of reclassification of treatment facilities.

18 (g) This section shall become inoperative on January 1, 2017.

19 SEC. 59. Section 11463 of the Welfare and Institutions Code  
20 is amended to read:

21 11463. (a) (1) The department, with the advice, assistance,  
22 and cooperation of the counties and foster care providers, shall  
23 develop, implement, and maintain a ratesetting system for foster  
24 family agencies.

25 (2) No county shall be reimbursed for any percentage increases  
26 in payments, made on behalf of AFDC-FC funded children who  
27 are placed with foster family agencies, that exceed the percentage  
28 cost-of-living increase provided in any fiscal year beginning on  
29 January 1, 1990, as specified in subdivision (c) of Section 11461.

30 (b) The department shall develop regulations specifying the  
31 purposes, types, and services of foster family agencies, including  
32 the use of those agencies for the provision of emergency shelter  
33 care. A distinction, for ratesetting purposes, shall be drawn between  
34 foster family agencies that provide treatment of children in foster  
35 families and those that provide nontreatment services.

36 (c) The department shall develop and maintain regulations  
37 specifying the procedure for the appeal of department decisions  
38 about the setting of an agency's rate.

39 (d) On and after July 1, 1998, the schedule of rates, and the  
40 components used in the rate calculations specified in the

1 department's regulations, for foster family agencies shall be  
2 increased by 6 percent, rounded to the nearest dollar. The resultant  
3 amounts shall constitute the new schedule of rates for foster family  
4 agencies.

5 (e) (1) On and after July 1, 1999, the schedule of rates and the  
6 components used in the rate calculations specified in the  
7 department's regulations for foster family agencies shall be  
8 adjusted by an amount equal to the California Necessities Index  
9 computed pursuant to Section 11453, rounded to the nearest dollar,  
10 subject to the availability of funds. The resultant amounts shall  
11 constitute the new schedule of rates for foster family agencies,  
12 subject to further adjustment pursuant to paragraph (2).

13 (2) In addition to the adjustment specified in paragraph (1),  
14 commencing January 1, 2000, the schedule of rates and the  
15 components used in the rate calculations specified in the  
16 department's regulations for foster family agencies shall be  
17 increased by 2.36 percent, rounded to the nearest dollar. The  
18 resultant amounts shall constitute the new schedule of rates for  
19 foster family agencies.

20 (f) For the 1999–2000 fiscal year, foster family agency rates  
21 that are not determined by the schedule of rates set forth in the  
22 department's regulations, shall be increased by the same percentage  
23 as provided in subdivision (e).

24 (g) (1) For the 2000–01 fiscal year and each fiscal year  
25 thereafter, the foster family agency rate shall be supplemented by  
26 one hundred dollars (\$100) for clothing per year per child in care,  
27 subject to the availability of funds. The supplemental payment  
28 shall be used to supplement, and shall not be used to supplant, any  
29 clothing allowance paid in addition to the foster family agency  
30 rate.

31 (2) Notwithstanding paragraph (1), commencing with the  
32 2012–13 fiscal year, and each fiscal year thereafter, no  
33 supplemental clothing allowance shall be provided, because the  
34 rate issued in accordance with paragraph (1) of subdivision (m)  
35 takes the cost of clothing into account.

36 (h) In addition to the adjustment made pursuant to subdivision  
37 (e), the component for social work activities in the rate calculation  
38 specified in the department's regulations for foster family agencies  
39 shall be increased by 10 percent, effective January 1, 2001. This  
40 additional funding shall be used by foster family agencies solely

1 to supplement staffing, salaries, wages, and benefit levels of staff  
2 performing social work activities. The schedule of rates shall be  
3 recomputed using the adjusted amount for social work activities.  
4 The resultant amounts shall constitute the new schedule of rates  
5 for foster family agencies. The department may require a foster  
6 family agency receiving this additional funding to certify that the  
7 funding was utilized in accordance with the provisions of this  
8 section.

9 (i) The increased rate provided by subparagraph (C) of paragraph  
10 (1) of subdivision (d) of Section 11461 shall not be used to compute  
11 the monthly amount that may be paid to licensed foster family  
12 agencies for the placement of children in certified foster homes.

13 (j) The total foster family agency rate by age group in effect as  
14 of January 1, 2008, paid to licensed foster family agencies for the  
15 placement of children in certified foster family homes, shall be  
16 reduced by 10 percent, effective October 1, 2009. The foster family  
17 agency shall have flexibility in applying the reduction, however,  
18 nothing shall be deducted from the child base rate, as defined in  
19 departmental regulations. When the rate is restored to at least the  
20 rate in effect on September 1, 2009, the director shall issue the  
21 declaration described in Section 1506.3 of the Health and Safety  
22 Code.

23 (k) Effective October 1, 2009, the total foster family agency  
24 rate by age group, in effect for those agency rates that are not  
25 determined by the schedule of rates set forth in the department's  
26 regulations, shall be reduced by the same percentage and in the  
27 same manner as provided for in subdivision (j).

28 (l) (1) The department shall determine, consistent with the  
29 requirements of this section and other relevant requirements under  
30 law, the rate category for each foster family agency on a biennial  
31 basis. Submission of the biennial rate application shall be according  
32 to a schedule determined by the department.

33 (2) The department shall adopt regulations to implement this  
34 subdivision. The adoption, amendment, repeal, or readoption of a  
35 regulation authorized by this subdivision is deemed to be necessary  
36 for the immediate preservation of the public peace, health and  
37 safety, or general welfare, for purposes of Sections 11346.1 and  
38 11349.6 of the Government Code, and the department is hereby  
39 exempted from the requirement to describe specific facts showing  
40 the need for immediate action.



1 (m) (1) On and after July 1, 2012, the basic rate payment that  
2 shall be made to the certified parent pursuant to this section for  
3 care and supervision of a child who is living in a certified home  
4 of a foster family agency, as defined in Section 11400, shall equal  
5 the basic rate for children based in a licensed or approved home,  
6 as specified in paragraph (1) of subdivision (g) of Section 11461.

7 (2) The basic rate payment to the certified parent made pursuant  
8 to paragraph (1) shall be adjusted annually on July 1, by the annual  
9 percentage change in the California Necessities Index, in  
10 accordance with paragraph (2) of subdivision (g) of Section 11461.  
11 The adjustment in this paragraph shall be in lieu of any adjustment  
12 pursuant to subdivision (e).

13 (n) Notwithstanding any other law, the changes to the basic rate  
14 payment specified in subdivision (m) shall not change the  
15 remaining components of the foster family agency rate. The new  
16 foster family agency rate shall be increased only by the amounts  
17 specified pursuant to subdivision (m). The resulting amounts shall  
18 constitute the new schedule of rates for foster family agencies,  
19 which shall be issued by all-county letters or similar instructions  
20 from the department.

21 (o) Beginning in the 2011–12 fiscal year, and for each fiscal  
22 year thereafter, funding and expenditures for programs and  
23 activities under this section shall be in accordance with the  
24 requirements provided in Sections 30025 and 30026.5 of the  
25 Government Code.

26 (p) (1) Notwithstanding the rulemaking provisions of the  
27 Administrative Procedure Act (Chapter 3.5 (commencing with  
28 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
29 Code), the department may implement, interpret, or make specific  
30 the changes to this section made by the act that added this section,  
31 and amend and repeal regulations and orders subject to this section  
32 and adopted by the department by means of all-county letters or  
33 similar instructions from the department until regulations are  
34 adopted. The department shall adopt emergency regulations no  
35 later than July 1, 2014. The department may readopt any emergency  
36 regulation authorized by this section that is the same as, or  
37 substantially equivalent to, an emergency regulation previously  
38 adopted under this section.

39 (2) The initial adoption of emergency regulations pursuant to  
40 this section and one readoption of emergency regulations shall be

1 deemed an emergency and necessary for the immediate  
2 preservation of the public peace, health, safety, or general welfare.  
3 Initial emergency regulations and the one readoption of emergency  
4 regulations authorized by this section shall be exempt from review  
5 by the Office of Administrative Law. The initial emergency  
6 regulations and the one readoption of emergency regulations  
7 authorized by this section shall be submitted to the Office of  
8 Administrative Law for filing with the Secretary of State and each  
9 shall remain in effect for no more than 180 days, by which time  
10 final regulations may be adopted.

11 *(q) (1) This section shall become inoperative on January 1,*  
12 *2017, except that this section shall continue to apply, until January*  
13 *1, 2018, to a group home that has been granted an extension*  
14 *pursuant to the exception process described in subdivision (d) of*  
15 *Section 11462.04 or to a foster family agency that has been granted*  
16 *an extension pursuant to the exception process described in*  
17 *subdivision (d) of Section 11463.1.*

18 *(2) This section is repealed as of January 1, 2018, unless a later*  
19 *enacted statute, that is enacted before January 1, 2018, deletes or*  
20 *extends that date.*

21 *SEC. 60. Section 11463 is added to the Welfare and Institutions*  
22 *Code, to read:*

23 *11463. (a) The department shall commence development of a*  
24 *new payment structure for the Title IV-E funded foster family*  
25 *agency placement option that maximizes federal funding.*

26 *(b) The department shall develop a payment system for foster*  
27 *family agencies that provide nontreatment, treatment, intensive*  
28 *treatment, and therapeutic foster care programs, and shall consider*  
29 *all of the following factors:*

30 *(1) Administrative activities that are eligible for federal financial*  
31 *participation provided, at county request, for and to licensed and*  
32 *approved family homes, such as placement of a child, case*  
33 *management and supervision, and recruitment and monitoring of*  
34 *family homes.*

35 *(2) Social work activities that are eligible for federal financial*  
36 *participation under Title IV-E of the Social Security Act.*

37 *(3) Social work and mental health services eligible for federal*  
38 *financial participation under Title XIX of the Social Security Act.*

39 *(4) Intensive treatment or therapeutic services in the foster*  
40 *family agency.*

1     (5) *Core services provided that encompass community services*  
2 *and supports, permanency-related services, medical and mental*  
3 *health support and access to services, educational support, life*  
4 *and social support, transitional support services upon discharge,*  
5 *biological parent and resource family supports, and services for*  
6 *nonminor dependents.*

7     (6) *Staff training.*

8     (7) *Health and Safety Code requirements.*

9     (8) *A process for accreditation that includes all of the following:*

10    (A) *Provision for all licensed foster family agencies to maintain*  
11 *in good standing accreditation from a nationally recognized*  
12 *accreditation agency with expertise in programs for youth group*  
13 *care facilities, as determined by the department.*

14    (B) *Promulgation by the department of information identifying*  
15 *the agency or agencies from which accreditation shall be required.*

16    (C) *Provision for timely reporting to the department of any*  
17 *change in accreditation status.*

18    (9) *Mental health certification, including a requirement to timely*  
19 *report to the department any change in mental health certificate*  
20 *status.*

21    (10) *Populations served, including, but not limited to, any of*  
22 *the following:*

23    (A) *Seriously emotionally disturbed children placed out-of-home*  
24 *pursuant to an individualized education program developed under*  
25 *Chapter 26.5 (commencing with Section 7570) of Division 7 of*  
26 *Title 1 of the Government Code.*

27    (B) *AFDC-FC children receiving intensive and therapeutic*  
28 *treatment services in a foster family agency.*

29    (C) *AFDC-FC children receiving mental health treatment*  
30 *services from a group home.*

31    (11) *Maximization of federal financial participation for Title*  
32 *IV-E and Title XIX of the Social Security Act.*

33    (c) *The department shall develop a system of governmental*  
34 *monitoring and oversight that shall be carried out in coordination*  
35 *with the State Department of Health Care Services. Oversight*  
36 *responsibilities shall include, but not be limited to, ensuring*  
37 *conformity with federal and state law, including program, fiscal,*  
38 *and health and safety reviews.*

1     (d) *The department shall consider the impact on youth being*  
2     *transitioned to alternate programs as a result of the new ratesetting*  
3     *system.*

4     (e) *This section shall become operative on January 1, 2017.*

5     SEC. 61. *Section 11463.1 is added to the Welfare and*  
6     *Institutions Code, to read:*

7     11463.1. (a) *Notwithstanding any other law, commencing*  
8     *January 1, 2017, no new foster family agency shall be established*  
9     *pursuant to the rate in effect through December 31, 2016.*

10    (b) *Notwithstanding subdivision (a), the department may grant*  
11    *an exception as appropriate, on a case-by-case basis, when a*  
12    *written request and supporting documentation are provided by a*  
13    *county placing agency, including a county welfare or probation*  
14    *director, that absent the granting of that exception, there is a*  
15    *material risk to the welfare of children due to an inadequate supply*  
16    *of appropriate alternative placement options to meet the needs of*  
17    *children.*

18    (c) *Rates for foster family agencies paid under the prior rate*  
19    *system, and those granted an exception pursuant to subdivision*  
20    *(b), shall terminate on December 31, 2016, unless granted an*  
21    *extension under the exception process in subdivision (d).*

22    (d) *A foster family agency may request an exception to extend*  
23    *its rate as follows:*

24    (1) *The department may grant an extension for up to one year,*  
25    *through December 31, 2017, on a case-by-case basis, when a*  
26    *written request and supporting documentation are provided by a*  
27    *county placing agency, including a county welfare or probation*  
28    *director, that absent the granting of that exception, there is a*  
29    *material risk to the welfare of children due to an inadequate supply*  
30    *of appropriate alternative placement options to meet the needs of*  
31    *children. The exception may include time to meet the accreditation*  
32    *requirement or the mental health certification requirement.*

33    (2) *The exception shall allow the provider to continue to receive*  
34    *the rate under the prior ratesetting system.*

35    (e) *Upon termination of an existing foster family agency rate*  
36    *under the prior rate system, a new rate shall not be paid until an*  
37    *application is approved and a rate is granted by the department*  
38    *pursuant to Section 11463 as a foster family agency or Section*  
39    *11462 as a short-term residential treatment center.*

1     (f) *The department shall, in the development of the new rate*  
2     *structures, consider and provide for placement of all children who*  
3     *are displaced as a result of reclassification of treatment facilities.*

4     (g) (1) *This section shall become inoperative on January 1,*  
5     *2017, except that this section shall continue to apply, until January*  
6     *1, 2018, to a group home that has been granted an extension*  
7     *pursuant to the exception process described in subdivision (d) of*  
8     *Section 11462.04 or to a foster family agency that has been granted*  
9     *an extension pursuant to the exception process described in*  
10    *subdivision (d) of Section 11463.1.*

11    (2) *This section is repealed as of January 1, 2018, unless a later*  
12    *enacted statute, that is enacted before January 1, 2018, deletes or*  
13    *extends that date.*

14    SEC. 62. *Section 11465 of the Welfare and Institutions Code*  
15    *is amended to read:*

16    11465. (a) When a child is living with a parent who receives  
17    AFDC-FC or Kin-GAP benefits, the rate paid to the provider on  
18    behalf of the parent shall include an amount for care and  
19    supervision of the child.

20    (b) For each category of eligible licensed community care  
21    facility, as defined in Section 1502 of the Health and Safety Code,  
22    the department shall adopt regulations setting forth a uniform rate  
23    to cover the cost of care and supervision of the child in each  
24    category of eligible licensed community care facility.

25    (c) (1) On and after July 1, 1998, the uniform rate to cover the  
26    cost of care and supervision of a child pursuant to this section shall  
27    be increased by 6 percent, rounded to the nearest dollar. The  
28    resultant amounts shall constitute the new uniform rate.

29    (2) (A) On and after July 1, 1999, the uniform rate to cover the  
30    cost of care and supervision of a child pursuant to this section shall  
31    be adjusted by an amount equal to the California Necessities Index  
32    computed pursuant to Section 11453, rounded to the nearest dollar.  
33    The resultant amounts shall constitute the new uniform rate, subject  
34    to further adjustment pursuant to subparagraph (B).

35    (B) In addition to the adjustment specified in subparagraph (A),  
36    on and after January 1, 2000, the uniform rate to cover the cost of  
37    care and supervision of a child pursuant to this section shall be  
38    increased by 2.36 percent, rounded to the nearest dollar. The  
39    resultant amounts shall constitute the new uniform rate.

(3) Subject to the availability of funds, for the 2000–01 fiscal year and annually thereafter, these rates shall be adjusted for cost of living pursuant to procedures in Section 11453.

(4) On and after January 1, 2008, the uniform rate to cover the cost of care and supervision of a child pursuant to this section shall be increased by 5 percent, rounded to the nearest dollar. The resulting amount shall constitute the new uniform rate.

(d) (1) Notwithstanding subdivisions (a) to (c), inclusive, the payment made pursuant to this section for care and supervision of a child who is living with a teen parent in a whole family foster home, as defined in Section 11400, shall equal the basic rate for children placed in a licensed or approved home as specified in subdivisions (a) to (d), inclusive, and subdivision (g), of Section 11461.

(2) (A) The amount paid for care and supervision of a dependent infant living with a dependent teen parent receiving AFDC-FC benefits in a group home placement shall equal the infant supplement rate for group home placements.

(B) *Commencing January 1, 2017, the amount paid for care and supervision of a dependent infant living with a dependent parent receiving AFDC-FC benefits in a short-term residential treatment center shall equal the infant supplement rate for short-term residential treatment centers established by the department.*

(3) (A) The caregiver shall provide the county child welfare agency or probation department with a copy of the shared responsibility plan developed pursuant to Section 16501.25 and shall advise the county child welfare agency or probation department of any subsequent changes to the plan. Once the plan has been completed and provided to the appropriate agencies, the payment made pursuant to this section shall be increased by an additional two hundred dollars (\$200) per month to reflect the increased care and supervision while he or she is placed in the whole family foster home.

(B) A nonminor dependent parent residing in a supervised independent living placement, as defined in subdivision (w) of Section 11400, who develops a written parenting support plan pursuant to Section 16501.26 shall provide the county child welfare agency or probation department with a copy of the plan and shall advise the county child welfare agency or probation department

of any subsequent changes to the plan. The payment made pursuant to this section shall be increased by an additional two hundred dollars (\$200) per month after all of the following have been satisfied:

(i) The plan has been completed and provided to the appropriate county agency.

(ii) The plan has been approved by the appropriate county agency.

(iii) The county agency has determined that the identified responsible adult meets the criteria specified in Section 16501.27.

(4) In a year in which the payment provided pursuant to this section is adjusted for the cost of living as provided in paragraph (1) of subdivision (c), the payments provided for in this subdivision shall also be increased by the same procedures.

(5) A Kin-GAP relative who, immediately prior to entering the Kin-GAP program, was designated as a whole family foster home shall receive the same payment amounts for the care and supervision of a child who is living with a teen parent they received in foster care as a whole family foster home.

(6) On and after January 1, 2012, the rate paid for a child living with a teen parent in a whole family foster home as defined in Section 11400 shall also be paid for a child living with a nonminor dependent parent who is eligible to receive AFDC-FC or Kin-GAP pursuant to Section 11403.

*SEC. 63. Section 11466 is added to the Welfare and Institutions Code, to read:*

*11466. For the purposes of this section to Section 114691.1, inclusive, "provider" shall mean a group home, short-term residential treatment center, a foster family agency that provides treatment services, and similar foster care business entities.*

*SEC. 64. Section 11466.21 of the Welfare and Institutions Code is amended to read:*

11466.21. (a) In accordance with subdivision (b), as a condition to receive an AFDC-FC rate for a program including, but not limited to, a group home ~~program~~ or, a foster family agency ~~program~~ that provides treatment services, or a short-term residential treatment center, the following shall apply:

(1) Any provider who expends in combined federal funds an amount at or above the federal funding threshold in accordance with the federal Single Audit Act, as amended, and Office of

1 Management and Budget (OMB) Circular A-133, shall arrange to  
2 have a financial audit conducted on an annual basis, and shall  
3 submit the annual financial audit to the department in accordance  
4 with regulations adopted by the department.

5 (2) Any provider who expends in combined federal funds an  
6 amount below the federal funding threshold in accordance with  
7 the federal Single Audit Act, as amended, and Office of  
8 Management and Budget (OMB) Circular A-133, shall submit to  
9 the department a financial audit on its most recent fiscal period at  
10 least once every three years. The department shall provide timely  
11 notice to the providers of the date that submission of the financial  
12 audit is required. That date of submission of the financial audit  
13 shall be established in accordance with regulations adopted by the  
14 department.

15 (3) The scope of the financial audit shall include all of the  
16 programs and activities operated by the provider and shall not be  
17 limited to those funded in whole or in part by the AFDC-FC  
18 program. The financial audits shall include, but not be limited to,  
19 an evaluation of the accounting and control systems of the provider.

20 (4) The provider shall have its financial audit conducted by  
21 certified public accountants or by state-licensed public accountants  
22 who have no direct or indirect relationship with the functions or  
23 activities being audited, or with the provider, its board of directors,  
24 officers, or staff.

25 (5) The provider shall have its financial audits conducted in  
26 accordance with Government Auditing Standards issued by the  
27 Comptroller General of the United States and in compliance with  
28 generally accepted accounting principles applicable to private  
29 entities organized and operated on a nonprofit basis.

30 (6) (A) Each provider shall have the flexibility to define the  
31 calendar months included in its fiscal year.

32 (B) A provider may change the definition of its fiscal year.  
33 However, the financial audit conducted following the change shall  
34 cover all of the months since the last audit, even though this may  
35 cover a period that exceeds 12 months.

36 (b) (1) In accordance with subdivision (a), as a condition to  
37 receive an AFDC-FC rate that becomes effective on or after July  
38 1, 2000, a provider shall submit a copy of its most recent financial  
39 audit report, except as provided in paragraph (3).



1 (2) The department shall terminate the rate of a provider who  
2 fails to submit a copy of its most recent financial audit pursuant  
3 to subdivision (a). A terminated rate shall only be reinstated upon  
4 the provider's submission of an acceptable financial audit.

5 (3) Effective July 1, 2000, a new provider that has been  
6 incorporated for fewer than 12 calendar months shall not be  
7 required to submit a copy of a financial audit to receive an  
8 AFDC-FC rate for a new program. The financial audit shall be  
9 conducted on the provider's next full fiscal year of operation. The  
10 provider shall submit the financial audit to the department in  
11 accordance with subdivision (a).

12 (c) The department shall implement this section through the  
13 adoption of emergency regulations.

14 *SEC. 65. Section 11466.22 of the Welfare and Institutions Code*  
15 *is amended to read:*

16 11466.22. (a) It is the intent of the Legislature to ensure overall  
17 program integrity in the AFDC-FC program through the  
18 establishment of an effective and efficient process for the collection  
19 of ~~group home~~ provider sustained overpayments. Furthermore, the  
20 intent of the Legislature is to ensure that children placed in ~~an~~  
21 AFDC-FC ~~group home program~~ programs, including, but not  
22 limited to, group homes, short-term residential treatment centers,  
23 and foster family agencies that provide treatment services, receive  
24 the level of care and supervision commensurate with the ~~group~~  
25 ~~home~~ program's rate classification level.

26 (b) For the purposes of this section, a ~~group home~~ provider is  
27 a licensee of ~~one or more group homes, as defined in subdivision~~  
28 ~~(h) of Section 11400, an AFDC-FC program listed in Section~~  
29 ~~11402, including, but not limited to, a group home, short-term~~  
30 ~~residential treatment center, foster family agency that provides~~  
31 ~~treatment services, or a similar business entity, receiving foster~~  
32 care maintenance payments under the AFDC-FC program. The  
33 department may collect a sustained overpayment from the party  
34 responsible for the sustained overpayment, regardless of whether  
35 the party remains in the business of providing ~~group home any~~  
36 AFDC-FC programs, and regardless of whether the ~~party provider~~  
37 remains licensed by the department.

38 (c) For the purposes of this section, a ~~group home~~ provider  
39 overpayment is an overpayment that results in an audit period  
40 when a ~~group home~~ provider receives a rate reimbursement to

1 which it is not entitled. If a ~~group-home~~ provider receives a rate  
2 reimbursement to which it is not entitled, it shall be liable to repay  
3 the overpayment.

4 (d) (1) Overpayments shall be determined by either a ~~group~~  
5 ~~home~~ provider audit or a ~~group-home~~ provider self-reporting an  
6 overpayment.

7 (2) If an informal hearing is not requested, or on the 60th day  
8 after an informal decision if a provider or the department does not  
9 file a notice of intent to file a formal appeal, or on the 30th day  
10 following a formal appeal hearing decision, whichever is latest, a  
11 group home provider overpayment shall be sustained for collection  
12 purposes and the department shall issue a demand letter for  
13 repayment of the sustained overpayment.

14 (3) The department shall establish a voluntary repayment  
15 agreement procedure with a maximum repayment period of nine  
16 years. The procedure shall take into account the amount of the  
17 overpayment, projected annual income of the program that caused  
18 the overpayment, a minimum repayment amount, including  
19 principal and interest, of 3 percent of annual income prorated on  
20 a monthly basis, simple interest for the first seven years of the  
21 voluntary repayment agreement on the overpayment amount based  
22 on the Surplus Money Investment Fund, and simple interest for  
23 the eighth and ninth years of the voluntary repayment agreement  
24 based on the prime rate at that time plus 3 percent. The department  
25 may adopt regulations permitting the director, at his or her  
26 discretion, to renegotiate the volunteer repayment agreement if  
27 the director determines that the agreement would cause severe  
28 harm to children in placement.

29 (4) The department shall establish an involuntary overpayment  
30 collection procedure, that shall take into account the amount of  
31 the overpayment, projected annual income, a minimum required  
32 repayment amount, including principal and interest, of 5 percent  
33 of the annual income prorated on a monthly basis, simple interest  
34 on the overpayment amount based on the Surplus Money  
35 Investment Fund, and a maximum repayment period of seven  
36 years. The department may establish regulations permitting the  
37 director at his or her discretion to renegotiate the involuntary  
38 payment agreement if the director determines that the agreement  
39 would cause severe harm to children in placement.

1 (e) The department shall develop regulations for recovery of  
2 any ~~group home~~ provider sustained overpayments. The regulations  
3 shall prioritize collection methods, ~~that~~ which shall include  
4 voluntary repayment agreement procedures, involuntary  
5 overpayment collection procedures, including the use of a statutory  
6 lien, rate request denials, rate decreases ~~without an RCL reduction~~,  
7 and rate terminations.

8 (f) Whenever the department determines that a ~~group home~~  
9 provider sustained overpayment has occurred, the department shall  
10 recover from the ~~group home~~ provider the full amount of the  
11 sustained overpayment, and simple interest on the sustained  
12 overpayment amount, pursuant to methods described in subdivision  
13 (e), against the ~~group home~~ provider's income or assets.

14 (g) If a provider is successful in its appeal of a collected  
15 overpayment, it shall be repaid the collected overpayment plus  
16 simple interest based on the Surplus Money Investment Fund.

17 *SEC. 66. Section 11466.25 of the Welfare and Institutions Code*  
18 *is amended to read:*

19 11466.25. Interest begins to accrue on a ~~group home~~ provider  
20 overpayment on the date of the issuance of the final audit report.

21 *SEC. 67. Section 11466.3 of the Welfare and Institutions Code*  
22 *is amended to read:*

23 11466.3. (a) The department shall offer a voluntary repayment  
24 agreement procedure to ~~group home~~ providers that owe a sustained  
25 overpayment. A ~~group home~~ provider may enter into a voluntary  
26 repayment agreement with the department to repay a sustained  
27 overpayment. The voluntary repayment agreement shall, at a  
28 minimum, meet the requirements developed pursuant to paragraph  
29 (3) of subdivision (d) of Section 11466.2.

30 (b) The department shall charge simple interest on the voluntary  
31 repayment agreement in accordance with paragraph (3) of  
32 subdivision (d) of Section 11466.2.

33 *SEC. 68. Section 11466.31 of the Welfare and Institutions Code*  
34 *is amended to read:*

35 11466.31. (a) When it has been determined that a ~~group home~~  
36 provider participating in the AFDC-FC program owes an  
37 overpayment that is due and payable, the department may  
38 implement involuntary offset collection procedures to collect  
39 sustained overpayments from a ~~group home~~ provider if the provider  
40 does not enter into a voluntary repayment agreement with the

1 department or the provider has three outstanding payments on a  
2 voluntary repayment agreement before the overpayment is repaid.

3 ~~The~~

4 (b) *The* minimum monthly overpayment offset amount from  
5 monthly rate reimbursements shall be determined using the  
6 involuntary collection procedures developed pursuant to paragraph  
7 (4) of subdivision (d) of Section 11466.2. Overpayments shall be  
8 offset against current monthly rate reimbursement payments due  
9 and payable to a ~~group home~~ provider under this chapter.

10 *SEC. 69. Section 11466.32 of the Welfare and Institutions Code*  
11 *is amended to read:*

12 11466.32. (a) If a ~~group home~~ provider that owes a sustained  
13 overpayment pursuant to paragraph (2) of subdivision (d) of  
14 Section 11466.2 does not enter into a voluntary repayment  
15 agreement with the department, or the provider has three  
16 outstanding payments on a voluntary repayment agreement before  
17 the overpayment is repaid, in addition to the monthly overpayment  
18 offset amount, 50 percent of any increases resulting from California  
19 Necessities Index (CNI) adjustments and ~~group home~~ provider's  
20 rate adjustments to the standard rate that are due to a ~~group home~~  
21 provider shall be withheld until the sustained overpayment amount  
22 is collected. Once the overpayment amount is collected, the ~~group~~  
23 ~~home~~ provider shall begin to prospectively receive the full amount  
24 of any California Necessities Index and rate adjustment to which  
25 it is entitled.

26 (b) Any ~~group home~~ provider subject to involuntary repayment  
27 of a sustained overpayment pursuant to Section 11466.31 shall be  
28 ineligible to receive ~~an RCL~~ *any rate* increase until the repayment  
29 is completed or until the host county or the primary placement  
30 county provide the department with a request for waiver of this  
31 paragraph.

32 *SEC. 70. Section 11466.33 of the Welfare and Institutions Code*  
33 *is amended to read:*

34 11466.33. (a) If any amount is due and payable to the  
35 department as a result of sustained overpayment to a ~~group home~~  
36 provider for care and services in the AFDC-FC program, the  
37 department may file, in the office of any county clerk of any county  
38 in which the ~~group home~~ provider has real or personal property,  
39 a certificate if any of the following conditions are met:

1 (1) No informal hearing is requested and if a provider has not  
2 submitted a voluntary repayment agreement with the first payment,  
3 and 60 days have elapsed from the notice of audit results.

4 (2) No formal appeal is requested and if a provider has not  
5 submitted a voluntary repayment agreement along with the first  
6 payment, and 60 days have elapsed from the notice of the informal  
7 hearing decision.

8 (3) A provider has not submitted a voluntary repayment  
9 agreement along with the first payment, and 30 days have elapsed  
10 after an adverse appeal decision by a hearing officer that sustains  
11 an overpayment.

12 (b) The certificate provided for pursuant to subdivision (a) shall  
13 contain:

14 (1) The amount due, owing, and unpaid, plus simple interest on  
15 the amount owing and unpaid beginning on the date the certificate  
16 is filed.

17 (2) A statement that the department has complied with this  
18 section prior to the filing of the certificate.

19 (3) A request that a lien be recorded against the ~~group home~~  
20 provider in the amount set forth in the certificate.

21 (c) The county clerk immediately upon the filing of the  
22 certificate shall record the lien for the State of California against  
23 the ~~group home~~ provider in the amount set forth in the certificate.  
24 The lien may be filed in the chain of title of the property.

25 (d) The department shall pay the cost of the first lien, and ~~group~~  
26 ~~home~~ providers shall be responsible for any subsequent liens on  
27 a sustained overpayment.

28 (e) For the first certificate filed by the department pursuant to  
29 this section, the county shall waive all filing fees.

30 *SEC. 71. Section 11466.34 of the Welfare and Institutions Code*  
31 *is amended to read:*

32 11466.34. (a) (1) At any time within 10 years of the recording  
33 of a lien pursuant to Section 11466.33, the department may bring  
34 an action, in a superior court in the county in which the lien is  
35 filed, seeking a judgment to establish the lien as a judgment lien.

36 (2) If a judgment is obtained pursuant to paragraph (1), the  
37 county recorder shall record the lien as a judgment lien.

38 (b) An abstract of a judgment obtained pursuant to subdivision  
39 (a) or a copy thereof may be recorded with the county recorder of  
40 any county. From the time of recording, the judgment shall

1 constitute a lien upon all real or personal property of the ~~group~~  
2 ~~home~~ provider in that county owned by the ~~group home~~ provider  
3 at the time, or that the ~~group home~~ provider may afterwards, but  
4 before the lien expires, acquire. The judgment lien shall continue  
5 for 10 years from the time of recording of the abstract of judgment  
6 obtained pursuant to subdivision (a), unless sooner released or  
7 otherwise discharged.

8 (c) The judgment lien may, within 10 years from the date of  
9 recording of the abstract of judgment or within 10 years from the  
10 date of the last extension of the lien in the manner provided in this  
11 section, be extended by recording a new abstract in the office of  
12 the county recorder of any county. From the date of that recording,  
13 the lien shall be extended for 10 years, unless sooner released or  
14 otherwise discharged.

15 (d) The department may release any lien imposed pursuant to  
16 this chapter, at the provider's cost, in which case any judgment  
17 pertaining to that lien is for all purposes null and void, if all of the  
18 following conditions are met:

19 (1) No temporary suspension order or license revocation actions  
20 by the department's community care licensing division is pending  
21 against a provider.

22 (2) A provider has made at least three timely payments on a  
23 voluntary repayment agreement.

24 (3) The provider submits to the department corroborative  
25 evidence that it is unable to obtain a loan from an institutional  
26 lender unless the lien is released.

27 (e) Execution shall issue upon a judgment obtained pursuant to  
28 this section upon request of the department in the same manner as  
29 execution may issue upon other judgments. Sale shall be held under  
30 that execution as prescribed in the Code of Civil Procedure. In all  
31 proceedings under this section, the director or his or her authorized  
32 agents may act on behalf of the state.

33 *SEC. 72. Section 11466.35 of the Welfare and Institutions Code*  
34 *is amended to read:*

35 11466.35. (a) Any licensee who has been determined to owe  
36 a sustained overpayment under this chapter, and who, subsequent  
37 to notice of the sustained overpayment, has its ~~group home~~ rate  
38 terminated, shall be ineligible to apply or receive a rate for any  
39 future ~~group home~~ program until the overpayment is repaid.

1 (b) A rate application shall be denied for a ~~group home~~ provider  
2 that meets either of the following conditions:

3 (1) A provider owing a sustained overpayment under this  
4 chapter, upon the occurrence of any additional sustained  
5 overpayment, shall be ineligible to apply or receive a rate for an  
6 existing or future ~~group home~~ program until the sustained  
7 overpayments are repaid, unless a voluntary repayment agreement  
8 is approved by the department.

9 (2) A provider incurring a sustained overpayment that constitutes  
10 more than 60 percent of the provider's annual rate reimbursement  
11 shall be ineligible to apply or receive a rate for any existing or  
12 future ~~group home~~ programs until the sustained overpayments are  
13 repaid, unless a voluntary repayment agreement is approved by  
14 the department.

15 *SEC. 73. Section 11466.36 of the Welfare and Institutions Code*  
16 *is amended to read:*

17 11466.36. (a) The department may terminate a ~~group home~~  
18 *program* rate if any of the following conditions are met:

19 (1) The ~~director~~ *department* determines that, based upon the  
20 findings of a hearing officer, a rate application or information  
21 submitted by a provider was fraudulently submitted to the  
22 department.

23 (2) A provider with an outstanding sustained overpayment incurs  
24 a second sustained overpayment, and is unable to repay the  
25 sustained overpayments.

26 (3) A provider has a sustained overpayment that represents 100  
27 percent of a provider's annual rate reimbursement.

28 (b) This chapter shall not be construed to affect the department's  
29 authority under other provisions of law for collection of ~~group~~  
30 ~~home~~ provider sustained overpayments.

31 *SEC. 74. Section 11466.5 of the Welfare and Institutions Code*  
32 *is amended to read:*

33 11466.5. The department shall collect ~~group home~~ cost data  
34 and monitor the cost of providing care and supervision, and social  
35 work services, to AFDC-FC recipients. These data shall include,  
36 but not be limited to, the costs incurred ~~by group homes~~ for  
37 employee wages and benefits.

38 *SEC. 75. Section 11466.6 of the Welfare and Institutions Code*  
39 *is amended to read:*

1 11466.6. A ~~group home~~ provider who disagrees with the rate  
2 determined by the department or adjusted by a program audit ~~shall~~  
3 *may request in writing* an appeal by the director or the director's  
4 designee. The department shall adopt regulations establishing  
5 procedures for the departmental appeal process.

6 *SEC. 76. Section 11468 of the Welfare and Institutions Code*  
7 *is amended to read:*

8 11468. The ~~director~~ department shall establish administrative  
9 procedures to review the rate set by the department for ~~a foster~~  
10 ~~family agency and a group home program~~ AFDC-FC programs,  
11 *including, but not limited to, group homes, short-term residential*  
12 *treatment centers, and foster family agencies that provide treatment*  
13 *services.*

14 *SEC. 77. Section 16000 of the Welfare and Institutions Code*  
15 *is amended to read:*

16 16000. (a) It is the intent of the Legislature to preserve and  
17 strengthen a child's family ties whenever possible, removing the  
18 child from the custody of his or her parents only when necessary  
19 for his or her welfare or for the safety and protection of the public.  
20 If a child is removed from the physical custody of his or her  
21 parents, preferential consideration shall be given whenever possible  
22 to the placement of the child with the relative as required by  
23 Section 7950 of the Family Code. If the child is removed from his  
24 or her own family, it is the purpose of this chapter to secure as  
25 nearly as possible for the child the custody, care, and discipline  
26 equivalent to that which should have been given to the child by  
27 his or her parents. It is further the intent of the Legislature to  
28 reaffirm its commitment to children who are in out-of-home  
29 placement to live in the least restrictive, most familylike setting  
30 and to live as close to the child's family as possible pursuant to  
31 subdivision (c) of Section 16501.1. Family reunification services  
32 shall be provided for expeditious reunification of the child with  
33 his or her family, as required by law. If reunification is not possible  
34 or likely, a permanent alternative shall be developed.

35 *(b) It is further the intent of the Legislature that all children*  
36 *live with a committed, permanent, and nurturing family. Services*  
37 *and supports should be tailored to meet the needs of the individual*  
38 *child and family being served, with the ultimate goal of maintaining*  
39 *the family, or when this is not possible, transitioning the child or*  
40 *youth to a permanent family or preparing the youth for a successful*



1 *transition into adulthood. When needed, short-term residential*  
2 *treatment center program services are a short-term, specialized,*  
3 *and intensive intervention that is just one part of a continuum of*  
4 *care available for children, youth, young adults, and their families.*

5 ~~(b)~~

6 (c) It is further the intent of the Legislature to ensure that all  
7 pupils in foster care and those who are homeless as defined by the  
8 federal McKinney-Vento Homeless Assistance Act (42 U.S.C.  
9 Sec. 11301 et seq.) have the opportunity to meet the challenging  
10 state pupil academic achievement standards to which all pupils  
11 are held. In fulfilling their responsibilities to pupils in foster care,  
12 educators, county placing agencies, care providers, advocates, and  
13 the juvenile courts shall work together to maintain stable school  
14 placements and to ensure that each pupil is placed in the least  
15 restrictive educational programs, and has access to the academic  
16 resources, services, and extracurricular and enrichment activities  
17 that are available to all pupils. In all instances, educational and  
18 school placement decisions ~~must~~ *shall* be based on the best interests  
19 of the child.

20 *SEC. 78. Section 16501 of the Welfare and Institutions Code*  
21 *is amended to read:*

22 16501. (a) (1) As used in this chapter, “child welfare services”  
23 means public social services ~~which~~ *that* are directed toward the  
24 accomplishment of any or all of the following purposes: protecting  
25 and promoting the welfare of all children, including handicapped,  
26 homeless, dependent, or neglected children; preventing or  
27 remedying, or assisting in the solution of problems which may  
28 result in, the neglect, abuse, exploitation, or delinquency of  
29 children; preventing the unnecessary separation of children from  
30 their families by identifying family problems, assisting families  
31 in resolving their problems, and preventing breakup of the family  
32 where the prevention of child removal is desirable and possible;  
33 restoring to their families children who have been removed, by  
34 the provision of services to the child and the families; identifying  
35 children to be placed in suitable adoptive homes, in cases where  
36 restoration to the biological family is not possible or appropriate;  
37 and ensuring adequate care of children away from their homes, in  
38 cases where the child cannot be returned home or cannot be placed  
39 for adoption.

40 “Child

(2) “Child welfare services” also means services provided on behalf of children alleged to be the victims of child abuse, neglect, or exploitation. The child welfare services provided on behalf of each child represent a continuum of services, including emergency response services, family preservation services, family maintenance services, family reunification services, and permanent placement services, including supportive transition services. The individual child’s case plan is the guiding principle in the provision of these services. The case plan shall be developed within a maximum of 60 days of the initial removal of the child or of the in-person response required under subdivision (f) if the child has not been removed from his or her home, or by the date of the dispositional hearing pursuant to Section 358, whichever comes first.

(3) “Child welfare services” are best provided in a framework that integrates service planning and delivery among multiple service systems, including the mental health system, using a team-based approach, such as a child and family team. A child and family team brings together individuals that engage with the child and family in assessing, planning, and delivering services. A child and family team, defined in subdivision (a) of Section 831, is composed of the child, family, caregiver, placing agency caseworker, the child’s tribe or Indian custodian when the child is Indian, and the county mental health representative for placement into a mental health certified facility. As appropriate, the child and family team also may include behavioral health representatives and other formal supports, such as educational professionals and representatives from other agencies providing services to the child and family. A child and family team also may include extended family and informal support persons, such as friends, coaches, faith-based connections, and tribes as identified by the child and family. Use of a team approach increases efficiency, and thus reduces cost, by increasing coordination of formal services and integrating the natural and informal supports available to the child and family.

(1)

(4) Child welfare services may include, but are not limited to, a range of service-funded activities, including case management, counseling, emergency shelter care, emergency in-home caretakers, temporary in-home caretakers, respite care, therapeutic day services, teaching and demonstrating homemakers, parenting

1 training, substance abuse testing, and transportation. These  
2 service-funded activities shall be available to children and their  
3 families in all phases of the child welfare program in accordance  
4 with the child's case plan and departmental regulations. Funding  
5 for services is limited to the amount appropriated in the annual  
6 Budget Act and other available county funds.

7 ~~(2)~~

8 (5) Service-funded activities to be provided may be determined  
9 by each county, based upon individual child and family needs as  
10 reflected in the service plan.

11 ~~(3)~~

12 (6) As used in this chapter, "emergency shelter care" means  
13 emergency shelter provided to children who have been removed  
14 pursuant to Section 300 from their parent or parents or their  
15 guardian or guardians. The department may establish, by  
16 regulation, the time periods for which emergency shelter care shall  
17 be funded. For the purposes of this paragraph, "emergency shelter  
18 care" may include "transitional shelter care facilities" as defined  
19 in paragraph (11) of subdivision (a) of Section 1502 of the Health  
20 and Safety Code.

21 (b) As used in this chapter, "respite care" means temporary care  
22 for periods not to exceed 72 hours. This care may be provided to  
23 the child's parents or guardians. This care shall not be limited by  
24 regulation to care over 24 hours. These services shall not be  
25 provided for the purpose of routine, ongoing child care.

26 (c) The county shall provide child welfare services as needed  
27 pursuant to an approved service plan and in accordance with  
28 regulations promulgated, in consultation with the counties, by the  
29 department. Counties may contract for service-funded activities  
30 as defined in paragraph (1) of subdivision (a). Each county shall  
31 use available private child welfare resources prior to developing  
32 new county-operated resources when the private child welfare  
33 resources are of at least equal quality and lesser or equal cost as  
34 compared with county-operated resources. Counties shall not  
35 contract for needs assessment, client eligibility determination, or  
36 any other activity as specified by regulations of the State  
37 Department of Social Services, except as specifically authorized  
38 in Section 16100.

1 (d) Nothing in this chapter shall be construed to affect duties  
2 which are delegated to probation officers pursuant to Sections 601  
3 and 654.

4 (e) Any county may utilize volunteer individuals to supplement  
5 professional child welfare services by providing ancillary support  
6 services in accordance with regulations adopted by the State  
7 Department of Social Services.

8 (f) As used in this chapter, emergency response services consist  
9 of a response system providing in-person response, 24 hours a day,  
10 seven days a week, to reports of abuse, neglect, or exploitation, as  
11 required by Article 2.5 (commencing with Section 11164) of  
12 Chapter 2 of Title 1 of Part 4 of the Penal Code for the purpose of  
13 investigation pursuant to Section 11166 of the Penal Code and to  
14 determine the necessity for providing initial intake services and  
15 crisis intervention to maintain the child safely in his or her own  
16 home or to protect the safety of the child. County welfare  
17 departments shall respond to any report of imminent danger to a  
18 child immediately and all other reports within 10 calendar days.  
19 An in-person response is not required when the county welfare  
20 department, based upon an evaluation of risk, determines that an  
21 in-person response is not appropriate. This evaluation includes  
22 collateral, contacts, a review of previous referrals, and other  
23 relevant information, as indicated.

24 (g) As used in this chapter, family maintenance services are  
25 activities designed to provide in-home protective services to  
26 prevent or remedy neglect, abuse, or exploitation, for the purposes  
27 of preventing separation of children from their families.

28 (h) As used in this chapter, family reunification services are  
29 activities designed to provide time-limited foster care services to  
30 prevent or remedy neglect, abuse, or exploitation, when the child  
31 cannot safely remain at home, and needs temporary foster care,  
32 while services are provided to reunite the family.

33 (i) As used in this chapter, permanent placement services are  
34 activities designed to provide an alternate permanent family  
35 structure for children who because of abuse, neglect, or exploitation  
36 cannot safely remain at home and who are unlikely to ever return  
37 home. These services shall be provided on behalf of children for  
38 whom there has been a judicial determination of a permanent plan  
39 for adoption, legal guardianship, or long-term foster care, and, as

1 needed, shall include supportive transition services to nonminor  
2 dependents, as described in subdivision (v) of Section 11400.

3 (j) As used in this chapter, family preservation services include  
4 those services specified in Section 16500.5 to avoid or limit  
5 out-of-home placement of children, and may include those services  
6 specified in that section to place children in the least restrictive  
7 environment possible.

8 (k) (1) (A) In any county electing to implement this  
9 subdivision, all county welfare department employees who have  
10 frequent and routine contact with children shall, by February 1,  
11 1997, and all welfare department employees who are expected to  
12 have frequent and routine contact with children and who are hired  
13 on or after January 1, 1996, and all such employees whose duties  
14 change after January 1, 1996, to include frequent and routine  
15 contact with children, shall, if the employees provide services to  
16 children who are alleged victims of abuse, neglect, or exploitation,  
17 sign a declaration under penalty of perjury regarding any prior  
18 criminal conviction, and shall provide a set of fingerprints to the  
19 county welfare director.

20 (B) The county welfare director shall secure from the  
21 Department of Justice a criminal record to determine whether the  
22 employee has ever been convicted of a crime other than a minor  
23 traffic violation. The Department of Justice shall deliver the  
24 criminal record to the county welfare director.

25 (C) If it is found that the employee has been convicted of a  
26 crime, other than a minor traffic violation, the county welfare  
27 director shall determine whether there is substantial and convincing  
28 evidence to support a reasonable belief that the employee is of  
29 good character so as to justify frequent and routine contact with  
30 children.

31 (D) No exemption shall be granted pursuant to subparagraph  
32 (C) if the person has been convicted of a sex offense against a  
33 minor, or has been convicted of an offense specified in Section  
34 220, 243.4, 264.1, 273d, 288, or 289 of the Penal Code, or in  
35 paragraph (1) of Section 273a of, or subdivision (a) or (b) of  
36 Section 368 of, the Penal Code, or has been convicted of an offense  
37 specified in subdivision (c) of Section 667.5 of the Penal Code.  
38 The county welfare director shall suspend such a person from any  
39 duties involving frequent and routine contact with children.

(E) Notwithstanding subparagraph (D), the county welfare director may grant an exemption if the employee or prospective employee, who was convicted of a crime against an individual specified in paragraph (1) or (7) of subdivision (c) of Section 667.5 of the Penal Code, has been rehabilitated as provided in Section 4852.03 of the Penal Code and has maintained the conduct required in Section 4852.05 of the Penal Code for at least 10 years and has the recommendation of the district attorney representing the employee's or prospective employee's county of residence, or if the employee or prospective employee has received a certificate of rehabilitation pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code. In that case, the county welfare director may give the employee or prospective employee an opportunity to explain the conviction and shall consider that explanation in the evaluation of the criminal conviction record.

(F) If no criminal record information has been recorded, the county welfare director shall cause a statement of that fact to be included in that person's personnel file.

(2) For purposes of this subdivision, a conviction means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action ~~which~~ *that* the county welfare director is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, notwithstanding a subsequent order pursuant to Sections 1203.4 and 1203.4a of the Penal Code permitting the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment. For purposes of this subdivision, the record of a conviction, or a copy thereof certified by the clerk of the court or by a judge of the court in which the conviction occurred, shall be conclusive evidence of the conviction.

*SEC. 79. Section 16501.1 of the Welfare and Institutions Code is amended to read:*

16501.1. (a) (1) The Legislature finds and declares that the foundation and central unifying tool in child welfare services is the case plan.

1 (2) The Legislature further finds and declares that a case plan  
2 ensures that the child receives protection and safe and proper care  
3 and case management, and that services are provided to the child  
4 and parents or other caretakers, as appropriate, in order to improve  
5 conditions in the parent's home, to facilitate the safe return of the  
6 child to a safe home or the permanent placement of the child, and  
7 to address the needs of the child while in foster care.

8 (b) (1) A case plan shall be based upon the principles of this  
9 section and shall document that a preplacement assessment of the  
10 service needs of the child and family, and preplacement preventive  
11 services, have been provided, and that reasonable efforts to prevent  
12 out-of-home placement have been made.

13 (2) In determining the reasonable services to be offered or  
14 provided, the child's health and safety shall be the paramount  
15 concerns.

16 (3) Upon a determination pursuant to paragraph (1) of  
17 subdivision (e) of Section 361.5 that reasonable services will be  
18 offered to a parent who is incarcerated in a county jail or state  
19 prison, detained by the United States Department of Homeland  
20 Security, or deported to his or her country of origin, the case plan  
21 shall include information, to the extent possible, about a parent's  
22 incarceration in a county jail or the state prison, detention by the  
23 United States Department of Homeland Security, or deportation  
24 during the time that a minor child of that parent is involved in  
25 dependency care.

26 (4) Reasonable services shall be offered or provided to make it  
27 possible for a child to return to a safe home environment, unless,  
28 pursuant to subdivisions (b) and (e) of Section 361.5, the court  
29 determines that reunification services shall not be provided.

30 (5) If reasonable services are not ordered, or are terminated,  
31 reasonable efforts shall be made to place the child in a timely  
32 manner in accordance with the permanent plan and to complete  
33 all steps necessary to finalize the permanent placement of the child.

34 (c) (1) If out-of-home placement is used to attain case plan  
35 goals, the case plan shall include a description of the type of home  
36 or institution in which the child is to be placed, and the reasons  
37 for that placement decision. The decision regarding choice of  
38 placement shall be based upon selection of a safe setting that is  
39 the least restrictive or most familylike and the most appropriate  
40 setting that is available and in close proximity to the parent's home,

1 proximity to the child's school, and consistent with the selection  
2 of the environment best suited to meet the child's special needs  
3 and best interests. The selection shall consider, in order of priority,  
4 placement with relatives, nonrelated extended family members,  
5 ~~and tribal members, and members~~; foster family homes; ~~and~~  
6 ~~nontreatment certified homes of foster family agencies, agencies~~;  
7 *followed by treatment and intensive treatment certified homes of*  
8 *foster family agencies*; or multidimensional treatment foster care  
9 homes; ~~or therapeutic foster care homes~~; group care placements;  
10 ~~such as in the order of short-term residential treatment centers,~~  
11 group homes ~~and~~, community treatment facilities, and ~~out-of-state~~  
12 residential treatment pursuant to ~~Section 7950~~ Part 5 (commencing  
13 with Section 7900) of Division 12 of the Family Code.

14 (2) If a ~~group care treatment~~ placement is selected for a child,  
15 the case plan shall indicate the needs of the child that necessitate  
16 this placement, the plan for transitioning the child to a less  
17 restrictive environment, and the projected timeline by which the  
18 child will be transitioned to a less restrictive environment. This  
19 section of the case plan shall be reviewed and updated at least  
20 semiannually.

21 (A) *The case plan for placements in a group home, or*  
22 *commencing January 1, 2017, in a short-term residential treatment*  
23 *center, shall indicate that the county has taken into consideration*  
24 *Section 16010.8.*

25 (B) *After January 1, 2016, if a treatment foster care placement,*  
26 *such as a treatment foster family agency, intensive treatment foster*  
27 *care, therapeutic foster care, or short-term residential treatment*  
28 *center, is being considered for the child or youth, a child and*  
29 *family team meeting as described in Sections 831 and 16501 shall*  
30 *be convened for the purpose of determining the appropriateness*  
31 *of the placement and whether there are any appropriate, less*  
32 *restrictive, and more family-like alternatives.*

33 (3) On or after January 1, 2012, for a nonminor dependent, as  
34 defined in subdivision (v) of Section 11400, who is receiving  
35 AFDC-FC benefits up to 21 years of age pursuant to Section 11403,  
36 in addition to the above requirements, the selection of the  
37 placement, including a supervised independent living placement,  
38 as described in subdivision (w) of Section 11400, shall also be  
39 based upon the developmental needs of young adults by providing  
40 opportunities to have incremental responsibilities that prepare a



1 nonminor dependent to transition to independent living. If  
2 admission to, or continuation in, a group home placement is being  
3 considered for a nonminor dependent, the group home placement  
4 approval decision shall include a youth-driven, team-based case  
5 planning process, as defined by the department, in consultation  
6 with stakeholders. The case plan shall consider the full range of  
7 placement options, and shall specify why admission to, or  
8 continuation in, a group home placement is the best alternative  
9 available at the time to meet the special needs or well-being of the  
10 nonminor dependent, and how the placement will contribute to the  
11 nonminor dependent's transition to independent living. The case  
12 plan shall specify the treatment strategies that will be used to  
13 prepare the nonminor dependent for discharge to a less restrictive  
14 and more familylike setting, including a target date for discharge  
15 from the group home placement. The placement shall be reviewed  
16 and updated on a regular, periodic basis to ensure that continuation  
17 in the group home remains in the best interests of the nonminor  
18 dependent and that progress is being made in achieving case plan  
19 goals leading to independent living. The group home placement  
20 planning process shall begin as soon as it becomes clear to the  
21 county welfare department or probation office that a foster child  
22 in group home placement is likely to remain in group home  
23 placement on his or her 18th birthday, in order to expedite the  
24 transition to a less restrictive and more familylike setting if he or  
25 she becomes a nonminor dependent. The case planning process  
26 shall include informing the youth of all of his or her options,  
27 including, but not limited to, admission to or continuation in a  
28 group home placement. Consideration for continuation of existing  
29 group home placement for a nonminor dependent under 19 years  
30 of age may include the need to stay in the same placement in order  
31 to complete high school. After a nonminor dependent either  
32 completes high school or attains his or her 19th birthday, whichever  
33 is earlier, continuation in or admission to a group home is  
34 prohibited unless the nonminor dependent satisfies the conditions  
35 of paragraph (5) of subdivision (b) of Section 11403, and group  
36 home placement functions as a short-term transition to the  
37 appropriate system of care. Treatment services provided by the  
38 group home placement to the nonminor dependent to alleviate or  
39 ameliorate the medical condition, as described in paragraph (5) of  
40 subdivision (b) of Section 11403, shall not constitute the sole basis

1 to disqualify a nonminor dependent from the group home  
2 placement.

3 (4) In addition to the requirements of paragraphs (1) to (3),  
4 inclusive, and taking into account other statutory considerations  
5 regarding placement, the selection of the most appropriate home  
6 that will meet the child's special needs and best interests shall also  
7 promote educational stability by taking into consideration  
8 proximity to the child's school of origin, and school attendance  
9 area, the number of school transfers the child has previously  
10 experienced, and the child's school matriculation schedule, in  
11 addition to other indicators of educational stability that the  
12 Legislature hereby encourages the State Department of Social  
13 Services and the State Department of Education to develop.

14 (d) A written case plan shall be completed within a maximum  
15 of 60 days of the initial removal of the child or of the in-person  
16 response required under subdivision (f) of Section 16501 if the  
17 child has not been removed from his or her home, or by the date  
18 of the dispositional hearing pursuant to Section 358, whichever  
19 occurs first. The case plan shall be updated, as the service needs  
20 of the child and family dictate. At a minimum, the case plan shall  
21 be updated in conjunction with each status review hearing  
22 conducted pursuant to Sections 364, 366, 366.3, and 366.31, and  
23 the hearing conducted pursuant to Section 366.26, but no less  
24 frequently than once every six months. Each updated case plan  
25 shall include a description of the services that have been provided  
26 to the child under the plan and an evaluation of the appropriateness  
27 and effectiveness of those services.

28 (1) It is the intent of the Legislature that extending the maximum  
29 time available for preparing a written case plan from 30 to 60 days  
30 will afford caseworkers time to actively engage families, and to  
31 solicit and integrate into the case plan the input of the child and  
32 the child's family, as well as the input of relatives and other  
33 interested parties.

34 (2) The extension of the maximum time available for preparing  
35 a written case plan from the 30 to 60 days shall be effective 90  
36 days after the date that the department gives counties written notice  
37 that necessary changes have been made to the Child Welfare  
38 Services Case Management System to account for the 60-day  
39 timeframe for preparing a written case plan.

1 (e) The child welfare services case plan shall be comprehensive  
2 enough to meet the juvenile court dependency proceedings  
3 requirements pursuant to Article 6 (commencing with Section 300)  
4 of Chapter 2 of Part 1 of Division 2.

5 (f) The case plan shall be developed as follows:

6 (1) The case plan shall be based upon an assessment of the  
7 circumstances that required child welfare services intervention.  
8 The child shall be involved in developing the case plan as age and  
9 developmentally appropriate.

10 (2) The case plan shall identify specific goals and the  
11 appropriateness of the planned services in meeting those goals.

12 (3) The case plan shall identify the original allegations of abuse  
13 or neglect, as defined in Article 2.5 (commencing with Section  
14 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the  
15 conditions cited as the basis for declaring the child a dependent of  
16 the court pursuant to Section 300, or all of these, and the other  
17 precipitating incidents that led to child welfare services  
18 intervention.

19 (4) The case plan shall include a description of the schedule of  
20 the placement agency contacts with the child and the family or  
21 other caretakers. The frequency of these contacts shall be in  
22 accordance with regulations adopted by the State Department of  
23 Social Services. If the child has been placed in foster care out of  
24 state, the county social worker or probation officer, or a social  
25 worker or probation officer on the staff of the agency in the state  
26 in which the child has been placed, shall visit the child in a foster  
27 family home or the home of a relative, consistent with federal law  
28 and in accordance with the department's approved state plan. For  
29 children in out-of-state group home facilities, visits shall be  
30 conducted at least monthly, pursuant to Section 16516.5. At least  
31 once every six months, at the time of a regularly scheduled  
32 placement agency contact with the foster child, the child's social  
33 worker or probation officer shall inform the child of his or her  
34 rights as a foster child, as specified in Section 16001.9. The social  
35 worker or probation officer shall provide the information to the  
36 child in a manner appropriate to the age or developmental level of  
37 the child.

38 (5) (A) When out-of-home services are used, the frequency of  
39 contact between the natural parents or legal guardians and the child  
40 shall be specified in the case plan. The frequency of those contacts

1 shall reflect overall case goals, and consider other principles  
2 outlined in this section.

3 (B) Information regarding any court-ordered visitation between  
4 the child and the natural parents or legal guardians, and the terms  
5 and conditions needed to facilitate the visits while protecting the  
6 safety of the child, shall be provided to the child's out-of-home  
7 caregiver as soon as possible after the court order is made.

8 (6) When out-of-home placement is made, the case plan shall  
9 include provisions for the development and maintenance of sibling  
10 relationships as specified in subdivisions (b), (c), and (d) of Section  
11 16002. If appropriate, when siblings who are dependents of the  
12 juvenile court are not placed together, the social worker for each  
13 child, if different, shall communicate with each of the other social  
14 workers and ensure that the child's siblings are informed of  
15 significant life events that occur within their extended family.  
16 Unless it has been determined that it is inappropriate in a particular  
17 case to keep siblings informed of significant life events that occur  
18 within the extended family, the social worker shall determine the  
19 appropriate means and setting for disclosure of this information  
20 to the child commensurate with the child's age and emotional  
21 well-being. These significant life events shall include, but shall  
22 not be limited to, the following:

23 (A) The death of an immediate relative.

24 (B) The birth of a sibling.

25 (C) Significant changes regarding a dependent child, unless the  
26 child objects to the sharing of the information with his or her  
27 siblings, including changes in placement, major medical or mental  
28 health diagnoses, treatments, or hospitalizations, arrests, and  
29 changes in the permanent plan.

30 (7) If out-of-home placement is made in a foster family home,  
31 group home, or other child care institution that is either a  
32 substantial distance from the home of the child's parent or out of  
33 state, the case plan shall specify the reasons why that placement  
34 is in the best interest of the child. When an out-of-state group home  
35 placement is recommended or made, the case plan shall, in  
36 addition, specify compliance with Section 7911.1 of the Family  
37 Code.

38 (8) Effective January 1, 2010, a case plan shall ensure the  
39 educational stability of the child while in foster care and shall  
40 include both of the following:

1 (A) An assurance that the placement takes into account the  
2 appropriateness of the current educational setting and the proximity  
3 to the school in which the child is enrolled at the time of placement.

4 (B) An assurance that the placement agency has coordinated  
5 with the person holding the right to make educational decisions  
6 for the child and appropriate local educational agencies to ensure  
7 that the child remains in the school in which the child is enrolled  
8 at the time of placement or, if remaining in that school is not in  
9 the best interests of the child, assurances by the placement agency  
10 and the local educational agency to provide immediate and  
11 appropriate enrollment in a new school and to provide all of the  
12 child's educational records to the new school.

13 (9) (A) If out-of-home services are used, or if parental rights  
14 have been terminated and the case plan is placement for adoption,  
15 the case plan shall include a recommendation regarding the  
16 appropriateness of unsupervised visitation between the child and  
17 any of the child's siblings. This recommendation shall include a  
18 statement regarding the child's and the siblings' willingness to  
19 participate in unsupervised visitation. If the case plan includes a  
20 recommendation for unsupervised sibling visitation, the plan shall  
21 also note that information necessary to accomplish this visitation  
22 has been provided to the child or to the child's siblings.

23 (B) Information regarding the schedule and frequency of the  
24 visits between the child and siblings, as well as any court-ordered  
25 terms and conditions needed to facilitate the visits while protecting  
26 the safety of the child, shall be provided to the child's out-of-home  
27 caregiver as soon as possible after the court order is made.

28 (10) If out-of-home services are used and the goal is  
29 reunification, the case plan shall describe the services to be  
30 provided to assist in reunification and the services to be provided  
31 concurrently to achieve legal permanency if efforts to reunify fail.  
32 The plan shall also consider in-state and out-of-state placements,  
33 the importance of developing and maintaining sibling relationships  
34 pursuant to Section 16002, and the desire and willingness of the  
35 caregiver to provide legal permanency for the child if reunification  
36 is unsuccessful.

37 (11) If out-of-home services are used, the child has been in care  
38 for at least 12 months, and the goal is not adoptive placement, the  
39 case plan shall include documentation of the compelling reason  
40 or reasons why termination of parental rights is not in the child's

1 best interest. A determination completed or updated within the  
2 past 12 months by the department when it is acting as an adoption  
3 agency or by a licensed adoption agency that it is unlikely that the  
4 child will be adopted, or that one of the conditions described in  
5 paragraph (1) of subdivision (c) of Section 366.26 applies, shall  
6 be deemed a compelling reason.

7 (12) (A) Parents and legal guardians shall have an opportunity  
8 to review the case plan, and to sign it whenever possible, and then  
9 shall receive a copy of the plan. In a voluntary service or placement  
10 agreement, the parents or legal guardians shall be required to  
11 review and sign the case plan. Whenever possible, parents and  
12 legal guardians shall participate in the development of the case  
13 plan. Commencing January 1, 2012, for nonminor dependents, as  
14 defined in subdivision (v) of Section 11400, who are receiving  
15 AFDC-FC or CalWORKs assistance up to 21 years of age pursuant  
16 to Section 11403, the transitional independent living case plan, as  
17 set forth in subdivision (y) of Section 11400, shall be developed  
18 with, and signed by, the nonminor.

19 (B) Parents and legal guardians shall be advised that, pursuant  
20 to Section 1228.1 of the Evidence Code, neither their signature on  
21 the child welfare services case plan nor their acceptance of any  
22 services prescribed in the child welfare services case plan shall  
23 constitute an admission of guilt or be used as evidence against the  
24 parent or legal guardian in a court of law. However, they shall also  
25 be advised that the parent's or guardian's failure to cooperate,  
26 except for good cause, in the provision of services specified in the  
27 child welfare services case plan may be used in any hearing held  
28 pursuant to Section 366.21, 366.22, or 366.25 as evidence.

29 (13) A child shall be given a meaningful opportunity to  
30 participate in the development of the case plan and state his or her  
31 preference for foster care placement. A child who is 12 years of  
32 age or older and in a permanent placement shall also be given the  
33 opportunity to review the case plan, sign the case plan, and receive  
34 a copy of the case plan.

35 (14) The case plan shall be included in the court report and shall  
36 be considered by the court at the initial hearing and each review  
37 hearing. Modifications to the case plan made during the period  
38 between review hearings need not be approved by the court if the  
39 casework supervisor for that case determines that the modifications  
40 further the goals of the plan. If out-of-home services are used with

1 the goal of family reunification, the case plan shall consider and  
2 describe the application of subdivision (b) of Section 11203.

3 (15) If the case plan has as its goal for the child a permanent  
4 plan of adoption or placement in another permanent home, it shall  
5 include a statement of the child's wishes regarding their permanent  
6 placement plan and an assessment of those stated wishes. The  
7 agency shall also include documentation of the steps the agency  
8 is taking to find an adoptive family or other permanent living  
9 arrangements for the child; to place the child with an adoptive  
10 family, an appropriate and willing relative, a legal guardian, or in  
11 another planned permanent living arrangement; and to finalize the  
12 adoption or legal guardianship. At a minimum, the documentation  
13 shall include child-specific recruitment efforts, such as the use of  
14 state, regional, and national adoption exchanges, including  
15 electronic exchange systems, when the child has been freed for  
16 adoption. If the plan is for kinship guardianship, the case plan shall  
17 document how the child meets the kinship guardianship eligibility  
18 requirements.

19 (16) (A) When appropriate, for a child who is 16 years of age  
20 or older and, commencing January 1, 2012, for a nonminor  
21 dependent, the case plan shall include the transitional independent  
22 living plan (TILP), a written description of the programs and  
23 services that will help the child, consistent with the child's best  
24 interests, to prepare for the transition from foster care to  
25 independent living, and, in addition, whether the youth has an  
26 in-progress application pending for Title XVI Supplemental  
27 Security Income benefits or for Special Immigrant Juvenile Status  
28 or other applicable application for legal residency and an active  
29 dependency case is required for that application. When appropriate,  
30 for a nonminor dependent, the transitional independent living case  
31 plan, as described in subdivision (v) of Section 11400, shall include  
32 the TILP, a written description of the programs and services that  
33 will help the nonminor dependent, consistent with his or her best  
34 interests, to prepare for transition from foster care and assist the  
35 youth in meeting the eligibility criteria set forth in paragraphs (1)  
36 to (5), inclusive, of subdivision (b) Section 11403. If applicable,  
37 the case plan shall describe the individualized supervision provided  
38 in the supervised independent living placement as defined in  
39 subdivision (w) of Section 11400. The case plan shall be developed  
40 with the child or nonminor dependent and individuals identified

1 as important to the child or nonminor dependent, and shall include  
2 steps the agency is taking to ensure that the child or nonminor  
3 dependent achieves permanence, including maintaining or  
4 obtaining permanent connections to caring and committed adults.

5 (B) During the 90-day period prior to the participant attaining  
6 18 years of age or older as the state may elect under Section  
7 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec.  
8 675(8)(B)(iii)), whether during that period foster care maintenance  
9 payments are being made on the child's behalf or the child is  
10 receiving benefits or services under Section 477 of the federal  
11 Social Security Act (42 U.S.C. Sec. 677), a caseworker or other  
12 appropriate agency staff or probation officer and other  
13 representatives of the participant, as appropriate, shall provide the  
14 youth or nonminor with assistance and support in developing the  
15 written 90-day transition plan, that is personalized at the direction  
16 of the child, information as detailed as the participant elects that  
17 shall include, but not be limited to, options regarding housing,  
18 health insurance, education, local opportunities for mentors and  
19 continuing support services, and workforce supports and  
20 employment services, a power of attorney for health care, and  
21 information regarding the advance health care directive form.

22 (C) For youth 16 years of age or older, the case plan shall  
23 include documentation that a consumer credit report was requested  
24 annually from each of the three major credit reporting agencies at  
25 no charge to the youth and that any results were provided to the  
26 youth. For nonminor dependents, the case plan shall include  
27 documentation that the county assisted the nonminor dependent  
28 in obtaining his or her reports. The case plan shall include  
29 documentation of barriers, if any, to obtaining the credit reports.  
30 If the consumer credit report reveals any accounts, the case plan  
31 shall detail how the county ensured the youth received assistance  
32 with interpreting the credit report and resolving any inaccuracies,  
33 including any referrals made for the assistance.

34 (g) If the court finds, after considering the case plan, that  
35 unsupervised sibling visitation is appropriate and has been  
36 consented to, the court shall order that the child or the child's  
37 siblings, the child's current caregiver, and the child's prospective  
38 adoptive parents, if applicable, be provided with information  
39 necessary to accomplish this visitation. This section does not



1 require or prohibit the social worker's facilitation, transportation,  
2 or supervision of visits between the child and his or her siblings.

3 (h) The case plan documentation on sibling placements required  
4 under this section shall not require modification of existing case  
5 plan forms until the Child Welfare Services Case Management  
6 System is implemented on a statewide basis.

7 (i) When a child is 10 years of age or older and has been in  
8 out-of-home placement for six months or longer, the case plan  
9 shall include an identification of individuals, other than the child's  
10 siblings, who are important to the child and actions necessary to  
11 maintain the child's relationship with those individuals, provided  
12 that those relationships are in the best interest of the child. The  
13 social worker or probation officer shall ask every child who is 10  
14 years of age or older and who has been in out-of-home placement  
15 for six months or longer to identify individuals other than the  
16 child's siblings who are important to the child, and may ask any  
17 other child to provide that information, as appropriate. The social  
18 worker or probation officer shall make efforts to identify other  
19 individuals who are important to the child, consistent with the  
20 child's best interests.

21 (j) The child's caregiver shall be provided a copy of a plan  
22 outlining the child's needs and services. The nonminor dependent's  
23 caregiver shall be provided with a copy of the nonminor's TILP.

24 (k) On or before June 30, 2008, the department, in consultation  
25 with the County Welfare Directors Association of California and  
26 other advocates, shall develop a comprehensive plan to ensure that  
27 90 percent of foster children are visited by their caseworkers on a  
28 monthly basis by October 1, 2011, and that the majority of the  
29 visits occur in the residence of the child. The plan shall include  
30 any data reporting requirements necessary to comply with the  
31 provisions of the federal Child and Family Services Improvement  
32 Act of 2006 (Public Law 109-288).

33 (l) The implementation and operation of the amendments to  
34 subdivision (i) enacted at the 2005-06 Regular Session shall be  
35 subject to appropriation through the budget process and by phase,  
36 as provided in Section 366.35.

37 *SEC. 80. Section 16519.5 of the Welfare and Institutions Code*  
38 *is amended to read:*

39 16519.5. (a) The State Department of Social Services, in  
40 consultation with county child welfare agencies, foster parent

1 associations, and other interested community parties, shall  
2 implement a unified, family friendly, and child-centered resource  
3 family approval process to replace the existing multiple processes  
4 for licensing foster family homes, approving relatives and  
5 nonrelative extended family members as foster care providers, and  
6 approving adoptive families.

7 (b) (1) Counties shall be selected to participate on a voluntary  
8 basis as early implementation counties for the purpose of  
9 participating in the initial development of the approval process.  
10 Early implementation counties shall be selected according to  
11 criteria developed by the department in consultation with the  
12 County Welfare Directors Association. In selecting the five early  
13 implementation counties, the department shall promote diversity  
14 among the participating counties in terms of size and geographic  
15 location.

16 (2) Additional counties may participate in the early  
17 implementation of the program upon authorization by the  
18 department.

19 (c) (1) For the purposes of this ~~section~~ *chapter*, “resource  
20 family” means an individual or couple that a participating county  
21 *or foster family agency* determines to have successfully met both  
22 the home approval standards and the permanency assessment  
23 criteria adopted pursuant to subdivision (d) necessary for providing  
24 care for a related or unrelated child who is under the jurisdiction  
25 of the juvenile court, or otherwise in the care of a county child  
26 welfare agency or probation department. A resource family shall  
27 demonstrate all of the following:

28 (A) An understanding of the safety, permanence, and well-being  
29 needs of children who have been victims of child abuse and neglect,  
30 and the capacity and willingness to meet those needs, including  
31 the need for protection, and the willingness to make use of support  
32 resources offered by the agency, or a support structure in place,  
33 or both.

34 (B) An understanding of children’s needs and development,  
35 effective parenting skills or knowledge about parenting, and the  
36 capacity to act as a reasonable, prudent parent in day-to-day  
37 decisionmaking.

38 (C) An understanding of his or her role as a resource family and  
39 the capacity to work cooperatively with the agency and other  
40 service providers in implementing the child’s case plan.

1 (D) The financial ability within the household to ensure the  
2 stability and financial security of the family.

3 (E) An ability and willingness to maintain the least restrictive  
4 and most familylike environment that serves the needs of the child.

5 (2) Subsequent to meeting the criteria set forth in this  
6 subdivision and designation as a resource family, a resource family  
7 shall be considered eligible to provide foster care for related and  
8 unrelated children in out-of-home placement, shall be considered  
9 approved for adoption or guardianship, and shall not have to  
10 undergo any additional approval or licensure as long as the family  
11 lives in a county participating in the program.

12 (3) Resource family assessment and approval means that the  
13 applicant meets the standard for home approval, and has  
14 successfully completed a permanency assessment. This approval  
15 is in lieu of the existing foster care license, relative or nonrelative  
16 extended family member approval, and the adoption home study  
17 approval.

18 (4) Approval of a resource family does not guarantee an initial  
19 or continued placement of a child with a resource family.

20 (d) Prior to implementation of this program, the department  
21 shall adopt standards pertaining to home approval and permanency  
22 assessment of a resource family.

23 (1) Resource family home approval standards shall include, but  
24 not be limited to, all of the following:

25 (A) (i) Criminal records clearance of all adults residing in the  
26 home, pursuant to Section 8712 of the Family Code, utilizing a  
27 check of the Child Abuse Central Index (CACI), a check of the  
28 Child Welfare Services/Case Management System (CWS/CMS),  
29 and receipt of a fingerprint-based state and federal criminal  
30 offender record information search response . The criminal history  
31 information shall include subsequent state and federal arrest and  
32 disposition notifications pursuant to Section 11105.2 of the Penal  
33 Code.

34 (ii) Consideration of any substantiated allegations of child abuse  
35 or neglect against either the applicant or any other adult residing  
36 in the home. An approval may not be granted to applicants whose  
37 criminal record indicates a conviction for any of the offenses  
38 specified in subdivision (g) of Section 1522 of the Health and  
39 Safety Code.

(iii) Exemptions from the criminal records clearance requirements set forth in this section may be granted by the director or the early implementation county, if that county has been granted permission by the director to issue criminal records exemptions pursuant to Section 361.4, using the exemption criteria currently used for foster care licensing as specified in subdivision (g) of Section 1522 of the Health and Safety Code.

(B) Buildings and grounds and storage requirements set forth in Sections 89387 and 89387.2 of Title 22 of the California Code of Regulations.

(C) In addition to the foregoing requirements, the resource family home approval standards shall also require the following:

(i) That the applicant demonstrate an understanding about the rights of children in care and his or her responsibility to safeguard those rights.

(ii) That the total number of children residing in the home of a resource family shall be no more than the total number of children the resource family can properly care for, regardless of status, and shall not exceed six children, unless exceptional circumstances that are documented in the foster child's case file exist to permit a resource family to care for more children, including, but not limited to, the need to place siblings together.

(iii) That the applicant understands his or her responsibilities with respect to acting as a reasonable and prudent parent, and maintaining the least restrictive and most familylike environment that serves the needs of the child.

(D) The results of a caregiver risk assessment are consistent with the factors listed in subparagraphs (A) to (D), inclusive, of paragraph (1) of subdivision (c). A caregiver risk assessment shall include, but not be limited to, physical and mental health, alcohol and other substance use and abuse, and family and domestic violence.

(2) The resource family permanency assessment standards shall include, but not be limited to, all of the following:

(A) The applicant shall complete caregiver training.

(B) The applicant shall complete a psychosocial evaluation.

(C) The applicant shall complete any other activities that relate to a resource family's ability to achieve permanency with the child.

(e) (1) A child may be placed with a resource family that has received home approval prior to completion of a permanency

1 assessment only if a compelling reason for the placement exists  
2 based on the needs of the child.

3 (2) The permanency assessment shall be completed within 90  
4 days of the child's placement in the approved home, unless good  
5 cause exists based upon the needs of the child.

6 (3) If additional time is needed to complete the permanency  
7 assessment, the county shall document the extenuating  
8 circumstances for the delay and generate a timeframe for the  
9 completion of the permanency assessment.

10 (4) The county shall report to the department on a quarterly  
11 basis the number of families with a child in an approved home  
12 whose permanency assessment goes beyond 90 days and  
13 summarize the reasons for these delays.

14 (5) A child may be placed with a relative, as defined in Section  
15 319, or nonrelative extended family member, as defined in Section  
16 362.7, prior to home approval and completion of the permanency  
17 assessment only on an emergency basis if all of the following  
18 requirements are met:

19 (A) Consideration of the results of a criminal records check  
20 conducted pursuant to Section 16504.5 of the relative or nonrelative  
21 extended family member and of every other adult in the home.

22 (B) Consideration of the results of the Child Abuse Central  
23 Index (CACI) consistent with Section 1522.1 of the Health and  
24 Safety Code of the relative or nonrelative extended family member,  
25 and of every other adult in the home.

26 (C) The home and grounds are free of conditions that pose undue  
27 risk to the health and safety of the child.

28 (D) For any placement made pursuant to this paragraph, the  
29 county shall initiate the home approval process no later than five  
30 business days after the placement, which shall include a  
31 face-to-face interview with the resource family applicant and child.

32 (E) For any placement made pursuant to this paragraph,  
33 AFDC-FC funding shall not be available until the home has been  
34 approved.

35 (F) Any child placed under this section shall be afforded all the  
36 rights set forth in Section 16001.9.

37 (f) The State Department of Social Services shall be responsible  
38 for all of the following:

1 (1) Selecting early implementation counties, based on criteria  
2 established by the department in consultation with the County  
3 Welfare Directors Association.

4 (2) Establishing timeframes for participating counties to submit  
5 an implementation plan, enter into terms and conditions for  
6 participation in the program, train appropriate staff, and accept  
7 applications from resource families.

8 (3) Entering into terms and conditions for participation in the  
9 program by counties.

10 (4) Administering the *early implementation of the* program  
11 through the issuance of written directives that shall have the same  
12 force and effect as regulations. Any directive affecting Article 1  
13 (commencing with Section 700) of Chapter 7 of Title 11 of the  
14 California Code of Regulations shall be approved by the  
15 Department of Justice. The directives shall be exempt from the  
16 rulemaking provisions of the Administrative Procedure Act  
17 (Chapter 3.5 (commencing with Section 11340)) of Part 1 of  
18 Division 3 of Title 2 of the Government Code.

19 (5) Approving and requiring the use of a single standard for  
20 resource family home approval and permanency assessment.

21 (6) Adopting and requiring the use of standardized  
22 documentation for the home approval and permanency assessment  
23 of resource families.

24 (7) Requiring counties to monitor resource families including,  
25 but not limited to, all of the following:

26 (A) Investigating complaints of resource families.

27 (B) Developing and monitoring resource family corrective action  
28 plans to correct identified deficiencies and to rescind resource  
29 family approval if compliance with corrective action plans is not  
30 achieved.

31 (8) Ongoing oversight and monitoring of county systems and  
32 operations including all of the following:

33 (A) Reviewing the county's implementation of the program.

34 (B) Reviewing an adequate number of approved resource  
35 families in each participating county to ensure that approval  
36 standards are being properly applied. The review shall include  
37 case file documentation, and may include onsite inspection of  
38 individual resource families. The review shall occur on an annual  
39 basis, and more frequently if the department becomes aware that

1 a participating county is experiencing a disproportionate number  
2 of complaints against individual resource family homes.

3 (C) Reviewing county reports of serious complaints and  
4 incidents involving approved resource families, as determined  
5 necessary by the department. The department may conduct an  
6 independent review of the complaint or incident and change the  
7 findings depending on the results of its investigation.

8 (D) Investigating unresolved complaints against participating  
9 counties.

10 (E) Requiring corrective action of counties that are not in full  
11 compliance with the terms and conditions of the program.

12 (9) Preparing or having prepared, and submitting to the  
13 Legislature, a report on the results of the initial phase of  
14 implementation of the program. The report shall include all of the  
15 following:

16 (A) An analysis, utilizing available data, of state and federal  
17 data indicators related to the length of time to permanency  
18 including reunification, guardianship and adoption, child safety  
19 factors, and placement stability.

20 (B) An analysis of resource family recruitment and retention  
21 elements, including resource family satisfaction with approval  
22 processes and changes regarding the population of available  
23 resource families.

24 (C) An analysis of cost, utilizing available data, including  
25 funding sources.

26 (D) An analysis of regulatory or statutory barriers to  
27 implementing the program on a statewide basis.

28 (g) Counties participating in the program shall be responsible  
29 for all of the following:

30 (1) Submitting an implementation plan, entering into terms and  
31 conditions for participation in the program, consulting with the  
32 county probation department in the development of the  
33 implementation plan, training appropriate staff, and accepting  
34 applications from resource families within the timeframes  
35 established by the department.

36 (2) Complying with the written directives pursuant to paragraph  
37 (4) of subdivision (f).

38 (3) Implementing the requirements for resource family home  
39 approval and permanency assessment and utilizing standardized  
40 documentation established by the department.

1 (4) (A) Ensuring staff have the education and experience  
2 necessary to complete the home approval and permanency  
3 assessment competently.

4 (B) A county may contract with a licensed adoption agency to  
5 complete the permanency assessment. A permanency assessment  
6 completed by a licensed adoption agency shall be reviewed and  
7 approved by the county.

8 (5) Approving and denying resource family applications,  
9 including all of the following:

10 (A) Rescinding home approvals and resource family approvals  
11 where appropriate, consistent with the established standard.

12 (B) Providing an applicant and disapproved resource family  
13 requesting review of that decision with due process pursuant to  
14 the department's regulations.

15 (C) Notifying the department of any decisions denying a  
16 resource family's application or rescinding the approval of a  
17 resource family.

18 (6) Updating resource family approval annually.

19 (7) Monitoring resource families through all of the following:

20 (A) Ensuring that social workers who identify a condition in  
21 the home that may not meet the approval standards set forth in  
22 subdivision (d) while in the course of a routine visit to children  
23 placed with a resource family take appropriate action as needed.

24 (B) Requiring resource families to comply with corrective action  
25 plans as necessary to correct identified deficiencies. If corrective  
26 action is not completed as specified in the plan, the county may  
27 rescind the resource family approval.

28 (C) Requiring resource families to report to the county child  
29 welfare agency any incidents consistent with the reporting  
30 requirements for licensed foster family homes.

31 (8) Investigating all complaints against a resource family and  
32 taking action as necessary. This shall include investigating any  
33 incidents reported about a resource family indicating that the  
34 approval standard is not being maintained.

35 (A) The child's social worker shall not conduct the formal  
36 investigation into the complaint received concerning a family  
37 providing services under the standards required by subdivision  
38 (d). To the extent that adequate resources are available, complaints  
39 shall be investigated by a worker who did not initially perform the  
40 home approval or permanency assessment.



1 (B) Upon conclusion of the complaint investigation, the final  
2 disposition shall be reviewed and approved by a supervising staff  
3 member.

4 (C) The department shall be notified of any serious incidents  
5 or serious complaints or any incident that falls within the definition  
6 of Section 11165.5 of the Penal Code. If those incidents or  
7 complaints result in an investigation, the department shall also be  
8 notified as to the status and disposition of that investigation.

9 (9) Performing corrective action as required by the department.

10 (10) Assessing county performance in related areas of the  
11 California Child and Family Services Review System, and  
12 remedying problems identified.

13 (11) Submitting information and data that the department  
14 determines is necessary to study, monitor, and prepare the report  
15 specified in paragraph (9) of subdivision (f).

16 *(12) Ensuring that resource families have the necessary*  
17 *knowledge, skills, and abilities to support children in foster care*  
18 *by completing caregiver training. The training should include a*  
19 *curriculum that supports the role of a resource family in parenting*  
20 *vulnerable children and should be ongoing in order to provide*  
21 *resource families with information on new practices and changes*  
22 *within the foster care system.*

23 *(13) Ensuring that a resource family applicant completes a*  
24 *minimum number of training hours, as prescribed. The training*  
25 *shall include, but not be limited to, all of the following training*  
26 *courses:*

27 *(A) An overview of the child protective system.*

28 *(B) The effects of child abuse and neglect on child development.*

29 *(C) Positive discipline and the importance of self-esteem.*

30 *(D) Health issues in foster care, including the administration*  
31 *of psychotropic and other medications.*

32 *(E) Accessing education and health services available to foster*  
33 *children.*

34 *(F) The rights of a child in foster care, and the foster parent's*  
35 *responsibility to safeguard those rights, including the right to have*  
36 *fair and equal access to all available services, placement, care,*  
37 *treatment, and benefits, and to not be subjected to discrimination*  
38 *or harassment on the basis of actual or perceived race, ethnic*  
39 *group identification, ancestry, national origin, color, religion, sex,*

1 *sexual orientation, gender identity, mental or physical disability,*  
2 *or HIV status.*

3 *(G) Cultural needs of children, including instruction on cultural*  
4 *competency and sensitivity relating to, and best practices for,*  
5 *providing adequate care to lesbian, gay, bisexual, and transgender*  
6 *youth in out-of-home care.*

7 *(H) Basic instruction on existing laws and procedures regarding*  
8 *the safety of foster youth at school; and ensuring a harassment*  
9 *and violence free school environment pursuant to the California*  
10 *Student Safety and Violence Prevention Act of 2000 (Article 3.6*  
11 *(commencing with Section 32228) of Chapter 2 of Part 19 of*  
12 *Division 1 of Title 1 of the Education Code).*

13 *(I) Permanence and well-being needs of children.*

14 *(J) Child and adolescent development.*

15 *(K) The role of foster parents, including working cooperatively*  
16 *with the child welfare agency, the child's family, and other service*  
17 *providers implementing the case plan.*

18 *(L) A foster parent's responsibility to act as a reasonable and*  
19 *prudent parent; and to maintain the least restrictive, most*  
20 *family-like environment that serves the needs of the child.*

21 *(14) Ensuring approved resource families complete a minimum*  
22 *number of training hours annually, as prescribed. The annual*  
23 *training shall include, but not be limited to, all of the following*  
24 *training courses:*

25 *(A) Age-appropriate child development.*

26 *(B) Health issues in foster care, including the administration*  
27 *of psychotropic and other medications.*

28 *(C) Positive discipline and the importance of self-esteem.*

29 *(D) Emancipation and independent living skills if a foster parent*  
30 *is caring for youth.*

31 *(E) The right of a foster child to have fair and equal access to*  
32 *all available services, placement, care, treatment, and benefits,*  
33 *and to not be subjected to discrimination or harassment on the*  
34 *basis of actual or perceived race, ethnic group identification,*  
35 *ancestry, national origin, color, religion, sex, sexual orientation,*  
36 *gender identity, mental or physical disability, or HIV status.*

37 *(F) Instruction on cultural competency and sensitivity relating*  
38 *to, and best practices for, providing adequate care to lesbian, gay,*  
39 *bisexual, and transgender youth in out-of-home care.*

1 (h) (1) Approved relatives and nonrelative extended family  
2 members, licensed foster family homes, or approved adoptive  
3 homes that have completed the license or approval process prior  
4 to full implementation of the program shall not be considered part  
5 of the program. The otherwise applicable assessment and oversight  
6 processes shall continue to be administered for families and  
7 facilities not included in the program.

8 (2) Upon implementation of the program in a county, that  
9 county may not accept new applications for the licensure of foster  
10 family homes, the approval of relative and nonrelative extended  
11 family members, or the approval of prospective adoptive homes.

12 (i) The department may waive regulations that pose a barrier to  
13 implementation and operation of this program. The waiver of any  
14 regulations by the department pursuant to this section shall apply  
15 to only those counties *or foster family agencies* participating in  
16 the program and only for the duration of the program.

17 (j) Resource families approved under initial implementation of  
18 the program, who move within an early implementation county or  
19 who move to another early implementation county, shall retain  
20 their resource family status if the new building and grounds,  
21 outdoor activity areas, and storage areas meet home approval  
22 standards. The State Department of Social Services or early  
23 implementation county may allow a program-affiliated individual  
24 to transfer his or her subsequent arrest notification if the individual  
25 moves from one early implementation county to another early  
26 implementation county, as specified in subdivision (h) of Section  
27 1522 of the Health and Safety Code.

28 (k) (1) The approval of a resource family who moves to a  
29 nonparticipating county remains in full force and effect pending  
30 a determination by the county approval agency or the department,  
31 as appropriate, whether the new building and grounds and storage  
32 areas meet applicable standards, and whether all adults residing  
33 in the home have a criminal records clearance or exemptions  
34 granted, using the exemption criteria used for foster care licensing,  
35 as specified in subdivision (g) of Section 1522 of the Health and  
36 Safety Code. Upon this determination, the nonparticipating county  
37 shall either approve the family as a relative or nonrelative extended  
38 family member, as applicable, or the department shall license the  
39 family as a foster family home.

(2) Subject to the requirements in paragraph (1), the family shall continue to be approved for guardianship and adoption. Nothing in this subdivision shall limit a county or adoption agency from determining that the family is not approved for guardianship or adoption based on changes in the family's circumstances or permanency assessment.

(3) A program-affiliated individual who moves to a nonparticipating county may not transfer his or her subsequent arrest notification from a participating county to the nonparticipating county.

(l) Implementation of the program shall be contingent upon the continued availability of federal Social Security Act Title IV-E (42 U.S.C. Sec. 670) funds for costs associated with placement of children with resource families assessed and approved under the program.

(m) A child placed with a resource family shall be eligible for AFDC-FC payments. A resource family, *or a foster family agency pursuant to subdivisions (q) and (r)*, shall be paid an AFDC-FC rate pursuant to Sections 11460~~and~~, 11461, *and 11463*. Sharing ratios for nonfederal expenditures for all costs associated with activities related to the approval of relatives and nonrelative extended family members shall be in accordance with Section 10101.

(n) The Department of Justice shall charge fees sufficient to cover the cost of initial or subsequent criminal offender record information and Child Abuse Central Index searches, processing, or responses, as specified in this section.

(o) Approved resource families under this program shall be exempt from all of the following:

(1) Licensure requirements set forth under the Community Care Facilities Act, commencing with Section 1500 of the Health and Safety Code, and all regulations promulgated thereto.

(2) Relative and nonrelative extended family member approval requirements set forth under Sections 309, 361.4, and 362.7, and all regulations promulgated thereto.

(3) Adoptions approval and reporting requirements set forth under Section 8712 of the Family Code, and all regulations promulgated thereto.

(p) Early implementation counties shall be authorized to continue through the end of the 2016–17 fiscal year, or through

the end of the third full fiscal year following the date that counties commence implementation, whichever of these dates is later. The program is authorized in all counties effective July 1, 2017. The program shall be implemented by each county on or before July 1, 2019.

(q) Notwithstanding any other law, on and after July 1, 2017, a licensed foster family agency shall require a certified family home applicant to meet the resource family approval standards and requirements set forth in this ~~article~~ chapter and in the written directives adopted pursuant to paragraph (4) of subdivision (f), prior to ~~certification~~ approval.

(r) *No later than July 1, 2017, the department may establish participation conditions, and select and authorize a foster family agency that voluntarily submits an implementation plan and revised plan of operation in accordance with requirements established by the department, to approve resource families in lieu of certifying foster homes.*

(1) *Except for subdivision (g), a participating foster family agency shall comply with the resource family approval standards set forth in this chapter and in the written directives issued pursuant to paragraph (4) of subdivision (f).*

(2) *Notwithstanding any other law, the department shall enforce the resource family approval standards and requirements set forth in this chapter and in the written directives issued pursuant to paragraph (4) of subdivision (f) against a participating foster family agency. In the event of any conflict with the Community Care Facilities Act (Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code), this section shall be controlling. This subdivision does not impose any new responsibilities upon the counties as described in subdivision (g).*

(3) *Nothing in this subdivision shall limit the department's authority to take administrative action against a foster family agency or a certified family home of a foster family agency. For purposes of Article 5 of Chapter 3 of Division 2 of the Health and Safety Code, a certified family home includes a resource family approved by a foster family agency pursuant to this subdivision.*

(4) *The department may adjust the foster family agency AFDC-FC rate pursuant to Section 11463 for implementation of this subdivision.*

1     *SEC. 81. Section 16519.52 is added to the Welfare and*  
2     *Institutions Code, to read:*

3     16519.52. (a) A resource family may install and use delayed  
4     egress devices of the time delay type in the home of the resource  
5     family.

6     (b) As used in this section, “delayed egress device” means a  
7     device that precludes the use of exits for a predetermined period  
8     of time. These devices shall not delay any resident’s departure  
9     from the home for longer than 30 seconds.

10    (c) Within the 30 seconds of delay, a resource family may  
11    attempt to redirect a resident who attempts to leave the home.

12    (d) Any person accepted by a resource family using delayed  
13    egress devices in the home shall meet all of the following  
14    conditions:

15    (1) The person shall have a developmental disability, as defined  
16    in Section 4512.

17    (2) The person shall be receiving services and case management  
18    from a regional center under the Lanterman Developmental  
19    Disabilities Services Act (Division 4.5 (commencing with Section  
20    4500)).

21    (3) An interdisciplinary team, through the Individual Program  
22    Plan (IPP) process pursuant to Section 4646.5, shall have  
23    determined that the person lacks hazard awareness or impulse  
24    control and requires the level of supervision afforded by a resource  
25    family in a home equipped with delayed egress devices, and that,  
26    but for this placement, the person would be at risk of admission  
27    to, or would have no option but to remain in, a more restrictive  
28    state hospital or state developmental center placement.

29    (e) The home shall be subject to all fire and building codes,  
30    regulations, and standards applicable to residential care facilities  
31    for the elderly utilizing delayed egress devices, and shall receive  
32    approval by the county or city fire department, the local fire  
33    prevention district, or the State Fire Marshal for the installed  
34    delayed egress devices.

35    (f) The resource family shall provide training regarding the use  
36    and operation of the egress control devices used by any person  
37    caring for a resident, protection of residents’ personal rights, lack  
38    of hazard awareness and impulse control behavior, and emergency  
39    evacuation procedures.

1 (g) *The resource family shall develop a plan of operation that*  
2 *is authorized by the approving county and includes a description*  
3 *of how the home is to be equipped with egress control devices that*  
4 *are consistent with regulations adopted by the State Fire Marshal*  
5 *pursuant to Section 13143 of the Health and Safety Code.*

6 (h) *The plan shall include, but shall not be limited to, all of the*  
7 *following:*

8 (1) *A description of how the resource family will provide*  
9 *training for persons caring for a resident regarding the use and*  
10 *operation of the egress control devices used in the home.*

11 (2) *A description of how the resource family will ensure the*  
12 *protection of the residents' personal rights consistent with Sections*  
13 *4502, 4503, and 4504.*

14 (3) *A description of how the resource family will manage the*  
15 *person's lack of hazard awareness and impulse control behavior.*

16 (4) *A description of the resource family's emergency evacuation*  
17 *procedures.*

18 (i) *Delayed egress devices shall not substitute for adequate*  
19 *supervision. The capacity of the home shall not exceed six*  
20 *residents.*

21 (j) *Emergency fire and earthquake drills shall be conducted at*  
22 *least once every three months, and shall include all persons*  
23 *providing resident care and supervision.*

24 SEC. 82. *Section 16519.53 is added to the Welfare and*  
25 *Institutions Code, to read:*

26 16519.53. (a) *A resource family shall be authorized to*  
27 *administer emergency medical assistance and injections for severe*  
28 *diabetic hypoglycemia and anaphylactic shock to a foster child in*  
29 *placement in accordance with subdivision (a) of Section 1507.25*  
30 *of the Health and Safety Code.*

31 (b) *A resource family shall be authorized to administer*  
32 *subcutaneous injections of other medications, including insulin,*  
33 *as prescribed by a child's physician, to a foster child in placement*  
34 *in accordance with subdivision (b) of Section 1507.25 of the Health*  
35 *and Safety Code.*

36 SEC. 83. *Section 16519.54 is added to the Welfare and*  
37 *Institutions Code, to read:*

38 16519.54. *Notwithstanding any other law, a resource family*  
39 *shall not be subject to civil penalties imposed pursuant to the*

1 *Community Care Facilities Care Act (Chapter 3 (commencing*  
2 *with Section 1500) of Division 2 of the Health and Safety Code).*

3 *SEC. 84. Section 16519.55 is added to the Welfare and*  
4 *Institutions Code, to read:*

5 *16519.55. (a) Subject to subdivision (b), to encourage the*  
6 *recruitment of resource families, to protect their personal privacy,*  
7 *and to preserve the security of confidentiality of the placements*  
8 *with resource families, the names, addresses, and other identifying*  
9 *information of resource families shall be considered personal*  
10 *information for purposes of the Information Practices Act of 1977*  
11 *(Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4*  
12 *of Division 3 of the Civil Code). This information shall not be*  
13 *disclosed by any state or local agency pursuant to the California*  
14 *Public Records Act (Chapter 3.5 (commencing with Section 6250)*  
15 *of Division 7 of Title 1 of the Government Code), except as*  
16 *necessary for administering the resource family approval program,*  
17 *facilitating the placement of children with resource families, and*  
18 *providing names and addresses only to bona fide professional*  
19 *foster parent organizations upon request.*

20 *(b) The department, a county, or a foster family agency may*  
21 *request information from, or divulge information to, the*  
22 *department, a county, or a foster family agency, regarding a*  
23 *prospective resource family for the purpose of and as necessary*  
24 *to conduct a reference check to determine whether it is safe and*  
25 *appropriate to approve an applicant to be a resource family.*

26 *SEC. 85. Section 18251 of the Welfare and Institutions Code*  
27 *is amended to read:*

28 *18251. As used in this chapter:*

29 *(a) "County" means each county participating in an*  
30 *individualized or wraparound services program.*

31 *(b) "County placing agency" means a county welfare or*  
32 *probation department, or a county mental health department.*

33 *(c) "Eligible child" means a child or nonminor dependent, as*  
34 *described in subdivision (v) of Section 11400, who is any of the*  
35 *following:*

36 *(1) A child or nonminor dependent who has been adjudicated*  
37 *as either a dependent, transition dependent, or ward of the juvenile*  
38 *court pursuant to Section 300, 450, 601, or 602 and who would be*  
39 *placed in a group home licensed by the department at a rate*



1 classification level of 10 or higher, *or commencing January 1,*  
2 *2017, would be placed in a short-term residential treatment center.*

3 (2) A child or nonminor dependent who is currently, or who  
4 would be, placed in a group home licensed by the department at  
5 a rate classification level of 10 or higher, *or commencing January*  
6 *1, 2017, would be placed in a short-term residential treatment*  
7 *center.*

8 (3) A child who is eligible for adoption assistance program  
9 benefits when the responsible public agency has approved the  
10 provision of wraparound services in lieu of out-of-home placement  
11 care at a rate classification level of 10 or higher, *or commencing*  
12 *January 1, 2017, would be placed in a short-term residential*  
13 *treatment center.*

14 (d) “Wraparound services” means community-based intervention  
15 services that emphasize the strengths of the child and family and  
16 includes the delivery of coordinated, highly individualized  
17 unconditional services to address needs and achieve positive  
18 outcomes in their lives.

19 (e) “Service allocation slot” means a specified amount of funds  
20 available to the county to pay for an individualized intensive  
21 wraparound services package for an eligible child. A service  
22 allocation slot may be used for more than one child on a successive  
23 basis.

24 SEC. 86. *Section 18254 of the Welfare and Institutions Code*  
25 *is amended to read:*

26 18254. (a) Rates for wraparound services, under the  
27 wraparound services program, shall be based on the following  
28 factors:

29 (1) The average cost of rate classification 10 to 11 in each  
30 county, minus the cost of any concurrent out-of-home placement,  
31 for children who are or would be placed in a rate level 10 or 11  
32 group home.

33 (2) The average cost of rate classification 12 to 14 in each  
34 county, minus the cost of any concurrent out-of-home placement,  
35 for children who are or would be placed in a rate level 12 to 14  
36 group home.

37 (b) (1) Prior to the 2011–12 fiscal year, the department shall  
38 reimburse each county, for the purpose of providing intensive  
39 wraparound services, up to 100 percent of the state share of  
40 nonfederal funds, to be matched by each county’s share of cost as

1 established by law, and to the extent permitted by federal law, up  
2 to 100 percent of the federal funds allocated for group home  
3 placements of eligible children, at the rate authorized pursuant to  
4 subdivision (a).

5 (2) Beginning in the 2011–12 fiscal year, and for each fiscal  
6 year thereafter, funding and expenditures for programs and  
7 activities under this section shall be in accordance with the  
8 requirements provided in Sections 30025 and 30026.5 of the  
9 Government Code.

10 (c) County, and to the extent permitted by federal law, federal,  
11 foster care funds shall remain with the administrative authority of  
12 the county, which may enter into an interagency agreement to  
13 transfer those funds, and shall be used to provide intensive  
14 wraparound services.

15 (d) Costs for the provision of benefits to eligible children, at  
16 rates authorized by subdivision (a), through the wraparound  
17 services program authorized by this chapter, shall not exceed the  
18 costs which would otherwise have been incurred had the eligible  
19 children been placed in a group home.

20 (e) *This section shall remain in effect only until January 1, 2017,*  
21 *and as of that date is repealed, unless a later enacted statute, that*  
22 *is enacted before January 1, 2017, deletes or extends that date.*

23 SEC. 87. *Section 18254 is added to the Welfare and Institutions*  
24 *Code, to read:*

25 18254. (a) *Commencing January 1, 2017, the rate for*  
26 *wraparound services, under the wraparound services program,*  
27 *shall be eight thousand five hundred seventy-three dollars (\$8,573),*  
28 *based on the average cost of rate classification levels 10.5 and 13*  
29 *in effect for the 2014–15 fiscal year.*

30 (1) *The rate was determined by using the existing rates*  
31 *determined for the 2014–15 fiscal year for rate classification levels*  
32 *10.5 and 13.*

33 (A) *Combining and calculating the average of the two.*

34 (B) *Minus the cost of any concurrent out-of-home placement*  
35 *for children who are or would be placed in a rate classification*  
36 *level 10 to 11 and 12 to 14 group home, respectively.*

37 (b) *For each fiscal year, funding and expenditures for programs*  
38 *and activities under this section shall be in accordance with the*  
39 *requirements provided in Sections 30025 and 30026.5 of the*  
40 *Government Code.*

1     (c) County and federal foster care funds, to the extent permitted  
2     by federal law, shall remain with the administrative authority of  
3     the county, which may enter into an interagency agreement to  
4     transfer those funds, and shall be used to provide intensive  
5     wraparound services.

6     (d) Costs for the provision of benefits to eligible children, at  
7     rates authorized by subdivision (a), through the wraparound  
8     services program authorized by this chapter, shall not exceed the  
9     costs that otherwise would have been incurred had the eligible  
10    children been placed in a short-term residential treatment center.

11    (e) Commencing January 1, 2018, and each January 1  
12    thereafter, an annual cost-of-living increase shall be applied to  
13    the wraparound rate, subject to the availability of county funds,  
14    equal to the California Necessities Index used in the preparation  
15    of the May Revision for the current fiscal year. This adjustment is  
16    not a reimbursable mandate pursuant to Section 30026.5 of the  
17    Government Code.

18    SEC. 88. (a) The State Department of Social Services and the  
19    State Department of Health Care Services shall adopt regulations  
20    as required to implement the provisions of this act.

21    (b) Notwithstanding the rulemaking provisions of the  
22    Administrative Procedure Act (Chapter 3.5 (commencing with  
23    Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
24    Code), the departments identified in subdivision (a) may implement  
25    and administer the changes made by this legislation through  
26    all-county letters or similar written instructions until regulations  
27    are adopted.

28    SEC. 89. The Legislature finds and declares that Section 85  
29    of this act, which adds Section 16519.55 to the Welfare and  
30    Institutions Code, imposes a limitation on the public's right of  
31    access to the meetings of public bodies or the writings of public  
32    officials and agencies within the meaning of Section 3 of Article  
33    I of the California Constitution. Pursuant to that constitutional  
34    provision, the Legislature makes the following findings to  
35    demonstrate the interest protected by this limitation and the need  
36    for protecting that interest:

37    In order to encourage the recruitment of resource families, to  
38    protect their personal privacy, and to preserve the security of  
39    confidentiality of the placements with resource families, it is  
40    necessary that the names, addresses, and other identifying

1 information of resource families not be disclosed by any state or  
2 local agency pursuant to the California Public Records Act  
3 (Chapter 3.5 (commencing with Section 6250) of Division 7 of  
4 Title 1 of the Government Code), except as necessary for  
5 administering the resource family approval program, facilitating  
6 the placement of children with resource families, and providing  
7 names and addresses only to bona fide professional foster parent  
8 organizations upon request.

9 SEC. 90. Except as required by Section 36 of Article XIII of  
10 the California Constitution, no reimbursement is required by this  
11 act pursuant to Section 6 of Article XIII B of the California  
12 Constitution for certain costs because, in that regard, this act  
13 implements a federal law or regulation and results in costs  
14 mandated by the federal government, within the meaning of Section  
15 17556 of the Government Code.

16 No reimbursement is required by this act pursuant to Section 6  
17 of Article XIII B of the California Constitution for certain costs  
18 that may be incurred by a local agency or school district because,  
19 in that regard, this act creates a new crime or infraction, eliminates  
20 a crime or infraction, or changes the penalty for a crime or  
21 infraction, within the meaning of Section 17556 of the Government  
22 Code, or changes the definition of a crime within the meaning of  
23 Section 6 of Article XIII B of the California Constitution.

24 With regard to other costs, to the extent that this act has an  
25 overall effect of increasing the costs already borne by a local  
26 agency for programs or levels of service mandated by the 2011  
27 Realignment Legislation within the meaning of Section 36 of Article  
28 XIII of the California Constitution, it shall apply to local agencies  
29 only to the extent that the state provides annual funding for the  
30 cost increase. Any new program or higher level of service provided  
31 by a local agency pursuant to this act above the level for which  
32 funding has been provided shall not require a subvention of funds  
33 by the state nor otherwise be subject to Section 6 of Article XIII B  
34 of the California Constitution.

35 ~~SECTION 1. It is the intent of the Legislature to enact~~  
36 ~~legislation that would reform the continuum of care for youth in~~  
37 ~~foster care in the areas of placement setting, accreditation,~~  
38 ~~temporary transition strategies, foster family agency licensure,~~  
39 ~~provision of core services, residential treatment service provisions,~~

- 1 ~~residential treatment center employment requirements, rates,~~
- 2 ~~program auditing, and performance measures and transparency.~~

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